

CRIME AND THE URBAN POOR:
MEXICO CITY IN THE LATE COLONIAL PERIOD

BY

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Dedicated to the memory
of my father

PREFACE

The purpose of the dissertation is to examine lower class life in Mexico City in the late colonial period. Although this period ranges from the onset of the administration of Viceroy Croix in 1766 to the end of the tavern reform movement in 1811, the bulk of the study concentrates on the three decades following the reform of the municipal criminal judicial system in 1783.

The comparative inaccessibility and lack of data on urban non-elites make study of such groups difficult. The poor did not leave behind accounts of their lives, and the documentation that has survived has generally been written by viceregal and municipal bureaucrats hostile to the lifestyle of the lower classes. In addition to notary records, the poor left a legacy of their behavior and daily lives in the city police and court records located today in the Archivo Judicial del Tribunal and Archivo General del Juzgado. From aggregate arrest statistics collected from police inventories (Libros de Reos) and from testimonies taken from informal and formal criminal cases, I will analyze several types of prevalent crimes, such as common-law marriage, desertion, and property and drink offenses, which were structured into lower class society. I will conclude by discussing how the colonial authorities treated the criminal offenders in the lower courts of Mexico City.

This study is written on the assumption that criminal statistics, although incomplete in their coverage of all crime, reflect values, attitudes, and daily problems among the poor. I will examine crime not as a series of independent criminal acts, but as a dimension of lower class behavior. Preoccupation with criminal statistics is not an end in itself, but represents only one approach to study the urban poor. Statistical calculations, used judiciously, can offer more insight into lower class society in late colonial Mexico City.

Other materials supplement the criminal records. The Archivo General de la Nación contains abundant documentation on tavern reforms, population, viceregal policies toward crime, creation of police forces, and problems of law enforcement. The Archivo del Antiguo Ayuntamiento offers related information, particularly on legal taverns and street lighting. The Libros de Reos consist of over 7,000 listings of persons of both sexes arrested between 1795 and 1807, and with such a large sample of the lower class population, I occasionally use the arrest records as census-type data. Patterns of migration from the provinces, age at marriage figures, and occupational distributions by age, race, and marital status were all constructed from the police and court inventories.

Whenever possible, I rounded off percentages in the statistical calculations, but whenever slight differences were necessary for analysis, such as in the types of court sentences or the incidence of arrests in 1798, I listed the figures to one decimal point. Unless noted, all statistical data not footnoted and all tables listed at the end of each chapter are based on analysis of the nine extant Libros de Reos. Tables presenting data from 1798 were constructed solely from the three police and court inventories pertaining to that year.

Many people have contributed to the present study. My chairman, Dr. Lyle N. McAlister, has not only sparked my interest in colonial Mexican history, but has also provided the necessary guidance and has given the necessary freedom to undertake such a project. I am also indebted to Dr. Claude C. Sturgill for his careful reading of the manuscript and tables, his supervision of the quantitative methodology, and for other favors too numerous to mention. Through the assistance of Mrs. Lillian McDowell, the Department of History has been more than generous with computer funds, and Jean Holtzer of CIRCA and Rod Mundy and Jim Lewis of the Political Science Statistical Lab have provided necessary instruction in the Statistical Package for the Social Sciences and have helped untangle many difficulties with the computer runs. The staffs at the AJT and AGJ also patiently answered the many questions I had during my eight months of work on the Libros de Reos and criminal cases.

Without my wife, Barbara, however, this dissertation would never have been completed. She gave me support and encouragement throughout these long years of graduate school, particularly after long days in the archives and on the buses of Mexico City. Her typing and editing have also made my work that much easier. And finally, our daughter, Melissa, has also contributed to the dissertation by giving us much joy in life after long bouts at the writing and typing tables.

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The dissertation examines lower class life in Mexico City in the late colonial period (1766-1811) through computer-assisted analysis of 7,067 arrests and summary judicial hearings. Census data and viceregal and municipal decrees supplement the criminal records. The urban poor adopted patterns of conduct which the laws and social elite deemed criminal. Within the lower class subculture, however, certain criminal acts such as drunkenness, common-law marriage, and petty theft represented accepted patterns of behavior, and consequently, such acts yield insight into several dimensions of lower class life.

The poor, comprising 85 per cent of Mexico City's population, did not benefit from the upswing in the economy in the late colonial period. Caused by a constant influx of migrants from the provinces, a labor surplus kept wages below subsistence levels. Although wages increased by as much as 25 per cent, the price of corn more than doubled.

The problem of survival led many of the poor to adopt criminal forms of behavior. Contrary to contemporary opinion, the criminals, popularly called léperos, were neither marginal types nor dregs of the lower classes. They were drawn from all racial and occupational groups, with a large percentage representing the socially superior Spaniards and the economically superior artisans. The léperos were a cross section of, not a distinct class within the urban poor.

Alcoholic beverages assumed a central role in the lives of the poor. Drink-related crimes accounted for almost one-half of the arrests in Mexico City. Over 1,600 legal and illegal taverns populated the city. Known to the police as breeding grounds for criminal activities, the drinking places represented to the poor reassuring institutions in an economically deprived environment. Reform of the pulquerías in 1792-93 and the vinaterías in 1810-11 failed because of hostility from the poor as well as from influential hacendados who profited from the immoderate consumption of intoxicants.

Property crimes comprised almost one-fifth of the arrests. Except in times of corn crises, the price of corn had little effect on the incidence of theft. Other factors such as exhaustion of family corn reserves, local spring crop failures, and unemployment were more instrumental.

Survival in Mexico City meant that the family acted as an economic unit in which each member contributed to the support of the group. Mismanagement of funds often exacerbated the financial plight of the family. Nonsupport, wife beating, and desertion were other daily problems confronting the urban poor. The high incidence of common-law marriage did not represent an attempt to avoid the stigma of racial intermarriage but,

as a result of fluid living relationships among the poor, signified a viable marital arrangement. Consensual unions also benefited abandoned women by providing a means of support.

Through the creation of two police forces and nine municipal tribunals, the viceroys hoped to maintain law and order in the capital. By the 1790's, the courts tried almost 10,000 offenders annually. Sentences in informal and formal cases were moderate. The magistrates fined, acquitted, or placed on probation over one-half of the criminals. The lower courts did not execute one person and enthusiasm for corporal punishment waned. To supply cheap labor for the expanding city improvement program, the courts increasingly sentenced more men to work on the municipal projects. Despite racial and occupational biases of judicial sentences, court procedures were fair and equitable. The magistrates immediately released offenders for lack of evidence and they sentenced 90 per cent of all defendants within three days of arrest. Although inadequately funded, the criminal judicial system maintained a semblance of order in Mexico City in the late colonial period.

CHAPTER ONE CRIME AND THE URBAN POOR: AN OVERVIEW

Late colonial Mexico was not an urban society. Out of an estimated population of 4.5 million inhabitants in 1793, only 337,000, or 7.5 per cent, resided in municipalities considered cities. At the apex of this rural society sat Mexico City, the administrative, financial, economic, religious, and educational center of New Spain. It housed the Viceroy, Audiencia, Consulado, Inquisition, Acordada, and University as well as the mining, landed, and commercial elites. Never comprising more than four per cent of New Spain's population throughout the colonial period, its influence far exceeded its size. Since its founding in 1521, Mexico City had been the most populous urban center in the colony, and by the late eighteenth century, its population of 112,926 was more than twice that of Puebla, the next largest colonial city. Its power and wealth attracted numerous Spaniards, both American- and Spanish-born. Although they constituted only twenty per cent of the total population of New Spain, Spaniards accounted for forty-six per cent of Mexico City's residents in 1790, forty-three per cent criollos and three per cent peninsulares. Indians, mestizos, and mulattoes represented twenty-eight per cent, nineteen per cent, and seven per cent respectively. The Negro population was negligible.¹

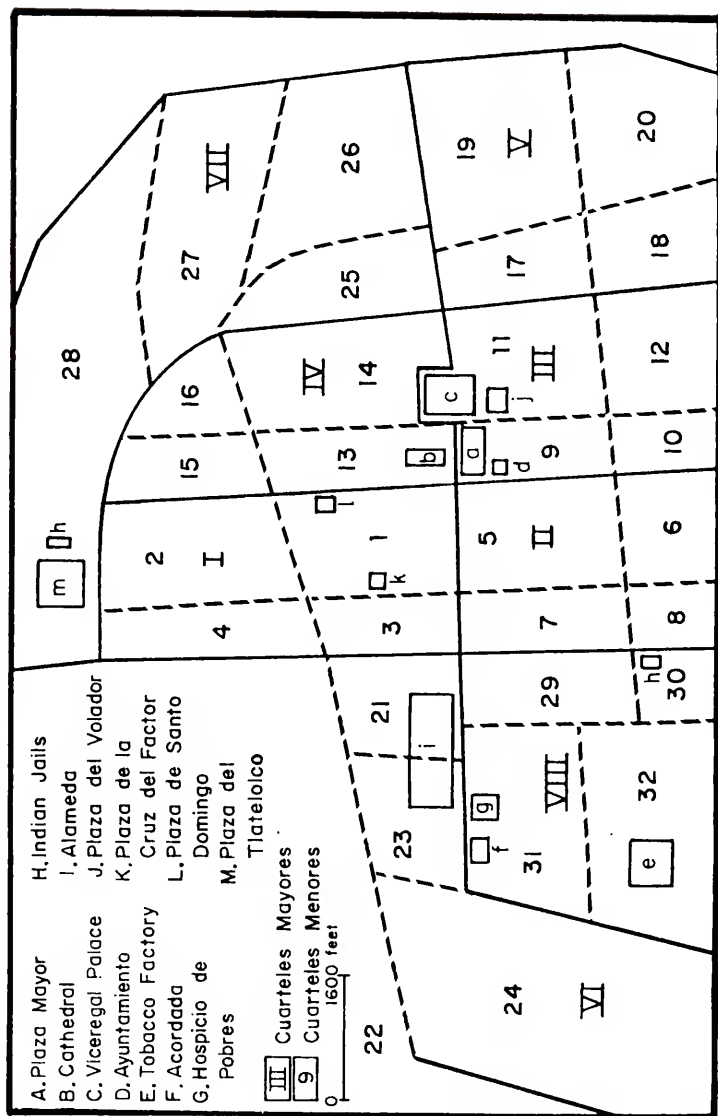
From the end of the Seven Years' War in 1763 to the outbreak of the Independence movement in 1810, Mexico City experienced profound economic and institutional changes that heralded a new era in its

development. Urbanization proceeded at an increasingly rapid rate, the royal tobacco factory employing 8,000 men and women commenced operations in the late 1760's, a municipal poorhouse (Hospicio de Pobres) and pawnshop (Monte de Piedad) opened in 1774 and 1775 respectively, and public works projects, ranging from street paving to tree planting to garbage collection, continued on an unprecedented scale.² To maintain order in the capital, the viceroys created two police forces. In 1783, Viceroy Mayorga divided the city into eight major administrative and police districts (cuarteles mayores), each of which contained four minor districts (cuarteles menores). As chief magistrates (jueces mayores), the five judges of the Sala del Crimen, the two alcaldes ordinarios, and the corregidor staffed the major districts while thirty-two appointed police officials served as the minor ward police or the alcaldes de barrio (see Figure 1).³ Seven years later, Viceroy Revillagigedo formed the ninety-two man night police (guardafaroleros) which protected the recently constructed street lights illuminating the center of the city and the principal streets in the outlying neighborhoods.⁴

For the upper classes, these changes signified progress. According to the editor of the city newspaper:

This City, Court of New Spain . . . is rapidly taking its place among the famous cities due to the perceptible progress which is seen in the very numerous populous, the splendor of the churches, the magnificence of the buildings, the prolongation of the streets, the vastness of the land, the extension of the suburbs . . . the ostentation of its residents: the vigilance, the rectitude, the order, the justice, the zeal, the administration of government. This Capital, I repeat, has reached a degree of opulence.⁵

Mexico City, 1793: Cuarteles Mayores, Cuarteles Menores and Points of Interest.



Plano General de la Ciudad de Mexico....en el año de 1793.

Figure 1

The elite was demonstrably proud of the affluent and civilized city, but there existed another side of Mexico City which the news editor ignored. The vast majority of its inhabitants lived in squalor and abject poverty. Comprising approximately eighty-five per cent of the population,⁶ the urban poor were poorly fed, poorly housed, poorly clothed, and subject to widespread unemployment, underemployment, and periodic epidemics and corn shortages. Humboldt noted the "immense inequality of fortune." He admired the "architecture of the public and private edifices, the elegance of the furniture, the equipages, the luxury and dress of the women, the tone of society," but this "refinement" offered a "striking contrast" to the "nakedness, ignorance and vulgarity of the lower people."⁷ Garbage was piled on street corners and floated in the canals that crisscrossed the city, potable water was lacking in many neighborhoods, especially those outside the center of the city, beggars congregated in the markets and in front of churches, crowds lingered at the viceregal palace hoping for a handout of corn, and packs of rabid dogs roamed the city streets. In contrast to the "vigilance and rectitude" reported by the news editor, a royal scribe described the assumed breakdown of public order in Mexico City at the end of the colonial period: "No one can ignore the great confusion and excessive disorder that rule this city at night...the greatest obscenities and most atrocious and barbarous crimes are committed in full public view in the streets, Plazas and Cemeteries of the capital."⁸

The poverty-stricken masses were responsible for crime and disorder in Mexico City. The study of the urban poor, however, poses a serious problem for the historian. The writing of non-elite colonial Mexican history has often been impeded by the lack of relatively objective

materials. Correspondence and legal codes offer a distorted, biased view of the lower classes. Census material, when available, describe a particular population only in terms of age, race, and marital status, indicating little about the daily lives of the people. The question becomes how to examine social groups which were basically illiterate and consequently left relatively few accounts about themselves. Criminal records provide neglected, yet profitable sources to study the urban poor. Through such materials, the poor left a legacy of what they valued, how they often behaved, and how they attempted to confront daily problems. Two types of criminal records afford insight into the poor of Mexico City: formal criminal cases and police-judicial arrest and trial inventories. Although impressionistic, cases provide individual histories and motivational factors as perceived by the criminal offenders.

Systematic statistical analysis of the police and court records furnishes the bulk of the material for this study. The inventories, entitled Libros de Reos (Books of Criminals), contain summary accounts of all arrests as well as all informal and formal judicial hearings conducted in the nine lower criminal tribunals of late colonial Mexico City.⁹ The Sala del Crimen, the principal criminal body in New Spain, exercised jurisdiction within five leagues of the capital but handled only formal cases. Informal hearings (juicios verbales) were conducted in the city's lower courts. I have collected the ten extant inventories. Covering the years 1794, 1795, 1796, 1798, 1800, and 1807, six pertain to the courts of the *alcaldes ordinarios* who exercised jurisdiction over the VII and VIII major administrative districts, two pertain to the police districts of *alcaldes de barrio* numbers 21, 22, and 23, and

two pertain to the jurisdiction of the corregidor who judged all offenders arrested by the guardafaroleros. The Libros de Reos include a total of 7,067 entries of which 6,064 represent police arrests and court proceedings, and 1,003 involve such legal transactions as sentencing a criminal judged by the Sala del Crimen to a public works project.¹⁰ The inventories yield detailed biographical information about the prisoners and judicial information about arrest and court practices. With varying degrees of completeness, each Libro contains name of the offender, age, sex, race, marital status, occupation, place of origin, criminal offense, day and date of arrest, location and time of arrest, arresting police officer, court legal procedures, judicial sentence, and time that elapsed between arrest and initial and subsequent court appearances.¹¹

Several problems arose in the coding of the data. Despite the incidence of racial blurring and passing in the late colonial period, I generally adopted the racial classification system employed by the jail and court scribes who compiled the Libros de Reos. The scribes relied on their judgement and the prisoner's personal statement in recording the arrest in the inventory, but during the court appearance, the magistrate could change the offender's race if he doubted the written entry. I modified this scheme to some extent, however, by merging all castizos into the mestizo category and all moriscos and pardos into the mulatto category. Given the difficulty in determining the difference between a castizo and a mestizo, for instance, any analysis using such concepts would be statistically meaningless. When applicable, I also included the handful of Negro arrests in the mulatto category since analysis of Negro crimes based on a small sample would be unreliable. As a result of these modifications, the racial variable will be divided into four major groups: Spaniard, Indian, mestizo, and mulatto.¹²

The racial variable also posed a problem in converting the 1790 Mexico City census into a control group. Business, government, and religious officials attacked Revillagigedo's padrón as inaccurate since it undersampled the districts outside the center of the city where the Indians and castas (mixed bloods) customarily resided.¹³ Consequently, Spaniards were overrepresented in the census. Assuming that arrests generally took place near the offender's residence, a listing of the distribution of arrests throughout the city according to the race of the offender confirms the racial residential pattern. As seen in Table 1, Spaniards were most heavily concentrated in the *cuarteles menores* which comprised the heart of the city. Only in one of the eight central districts were they underrepresented in terms of the arrest rate. Indians were congregated in the barrios outside this zone with mestizos and mulattoes forming more dispersed residential patterns. To compensate for the excessive numbers of Spaniards listed in the padrón, I increased the population of the Indians and castas by one-sixth, Humboldt's estimate of the sampling error committed by the census enumerators.¹⁴ These adjusted figures serve as the racial control group data attached to most tables in the text.¹⁵

The practice of heaping presented a dilemma in coding the age data from the Libros. Heaping is the "tendency, unconscious or deliberate, for an enumerator to allocate many individuals to a certain year of age and to pass over adjacent years."¹⁶ The colonial scribes tended to list people in ages ending in the digits 0 and 5. To minimize any error, I recorded the data in ten-year brackets: under twenty, twenty to twenty-nine, thirty to thirty-nine, forty to forty-nine, and over forty-nine. I also adjusted the census material to correspond to this age

division by breaking the age brackets into five year periods and by regrouping them to match the recorded age data from the arrest inventories. Finally, in determining the control group for all the biographical variables, I included only those persons over sixteen whom the criminologists call the "crime-committing population." Such a control group offers a much more reliable index for measuring the extent of crime among various social sectors.¹⁷

The Libros de Reos permit a detailed study of crime and behavioral patterns among the poor without having to rely on the generalizations and clichés found in colonial legal codes, correspondence, and governmental decrees. The nature of criminal statistics in general and of the Libros de Reos in particular will be discussed before analyzing the arrest records. If the data presented are to be meaningful, the reliability of the inventories as a measurement of criminal activity must first be established.

Regardless of the type of criminal statistic, the incidence of crime is generally much greater than the statistics indicate. Not all law violations are detected, reported, or officially recorded. Consequently, all crimes listed as arrests, court cases, or commitments to prison are merely indices of the offenses actually committed. Even given modern police methods, the "dark figure" of unknown crime is considerable. Only an estimated one-fifth of all crimes lead to arrests. Some crimes, especially murder and aggravated assault, are highly visible, and their number in arrest records closely approximates their true incidence. Offenses hidden from public view, such as theft, gambling, and prostitution, tend to be underrepresented in the statistics.¹⁸

Moreover, the judicial authorities did not properly record all detected or reported crime. The two colonial police forces, for instance, exercised considerable discretion in the arrest process. The guarda-faroleros and alcaldes de barrio did not always apprehend an offender. They occasionally warned suspicious persons to return to their homes, they often broke up fights to calm the participants, and they periodically brought drunkards directly to their residences, especially if they were neighbors or friends.¹⁹

The type of criminal statistic the historian has at his disposal minimizes the dark figure of crime. Criminologists agree that the closer the statistic is to the scene of the offense, the more reliable it becomes. In the words of Thorsten Sellin: "The value of criminal statistics as a basis for measurement of criminology in geographic areas decreases as the procedure takes us further away from the offense itself."²⁰ Records collected early in the judicial process yield the most trustworthy sample of actual crime. Consequently, arrest records are a more reliable index than court cases which, in turn, are more reliable than prison statistics. The problem in using formal court cases (causas or procesos criminales) to analyze the incidence and types of crime is that many offenders filter out of the judicial process before reaching the court stage. The sample of criminals and the kinds of crime at this procedural level are incomplete and even misleading. For example, from 1795 to 1807, only 4.9 per cent of all arrests led to the formation of criminal cases. The magistrates handled the remainder informally in juicios verbales. Furthermore, the types of crimes the courts prosecuted formally were generally the more serious offenses, such as homicide, aggravated assault, and gambling. A study

of crime based solely on criminal cases would neglect the vast majority of less serious, but numerically more prevalent criminal offenses.²¹ With the exception of crimes known to the police, arrest data offers the most reasonably accurate index of crime in the community.

Arrest records reflect not only the extent and kinds of criminality, but also the activity of the police and the working philosophy of the courts. The police forces of late colonial Mexico City did not vigorously pursue all malefactors. As illustrated in Table 2, only in offenses involving tavern violations, intoxication, gambling, disorderly conduct, sexual promiscuity, violence, and incontinence did the guardafaroleros and alcaldes de barrio actively arrest at least one-half of all offenders. In other crimes, such as theft, vagrancy, family offenses, and debt, the police made over one-half of the arrests only after a complaint had been filed. The passive role the police adopted in these crimes tended to lower the arrest rates in such offenses.

The relatively low incidence of vagrancy arrests illustrates this point. In 1798, only one per cent of all arrests were for vagrancy despite the thousands of men and women in Mexico City whom the courts regarded as vagrants, that is, persons with no fixed residence or job skills. Except for periodic roundups, the vagrancy laws remained basically dormant.²² The magistrates realized that the courts could not handle the work load if the police actively pursued and apprehended all known vagrants. Thus, relatives requesting court discipline of a wayward juvenile initiated almost three out of every five vagrancy cases. Generally, the police unilaterally arrested vagrants only after offenders violated a particular law, such as the intoxication statutes.

Economic and institutional realities undermined the enforcement of the stringent vagrancy codes. The Libros de Reos therefore indicate not so much the actual incidence of vagrancy as the level of judicial inactivity in apprehending vagrants.²³

The colonial arrest records offer distinct advantages as criminal statistics. For example, they recorded arrests from all sections of the city. The night police exercised jurisdiction over most of the city, although eighty-four per cent of their arrests came from the densely populated I-IV major districts (Table 3). Even though they were entrusted with all or sections of districts VII and VIII, the *alcaldes ordinarios* and *alcaldes de barrio* numbers 22 and 23 patrolled the entire city, as indicated in the widespread distribution of their arrests. The arrest inventories comprehend all neighborhoods of Mexico City, rich and poor, Spanish and Indian, *mestizo* and *mulatto*. No one class or racial group is seriously overrepresented in the data.²⁴

Tables 4 and 5 underline the importance of basing the study of crime on arrest records from both major police jurisdictions. Each police force specialized in certain types of crime. The *guardafaroleros* concentrated on crimes against the public order, particularly intoxication and curfew violations, while the police supervised by the *alcaldes ordinarios* placed greater emphasis on person and property offenses such as assault, theft, gambling, and debt. Among public order crimes, they focused on tavern violations and sexual and family offenses. Analyzing crimes using records from only one police force would seriously distort patterns of criminality. Only by combining the data from both police jurisdictions can the actual distribution of city-wide arrest rates and crime types be approximated.

Five per cent of the arrests listed in the Libros de Reos were made by other tribunals which exercised criminal jurisdiction over part or all of Mexico City. Established in the early eighteenth century as a law enforcement agency independent of the Sala del Crimen, the Acordada had patrolled the streets of the capital since 1756, but the creation of the *alcaldes de barrio* and *guardafaroleros* reduced its contribution to the maintenance of public order. The Acordada still apprehended offenders who committed such serious crimes as armed robbery. These arrests, however, amounted to approximately seven per cent of all the arrests made by the civil police forces in 1798. Moreover, the Acordada judge sent persons charged with intoxication and common-law marriage to the civil courts for trial.²⁵ The Indian governments of Santiago Tlatelolco and San Juan dispatched native officials to patrol the extreme northern and southern sections of the city respectively where the Indian population was concentrated. Any offender was sent to either of the Indian jails. These arrests accounted for only two per cent of all the arrests made by the civil police in 1798, and the Indian officials customarily remanded all serious cases, usually those involving aggravated assaults, to the courts of the *alcaldes ordinarios* and *corregidor*.²⁶ Military units also patrolled the city, but their primary function was to assist the civil police in apprehending law breakers. As a result, the vast majority of the military arrests were civilians who were eventually tried by the civil courts.²⁷ In order to increase surveillance over the often disorderly markets, Viceroy Revillagigedo in 1791 established a separate tribunal headed by a specially appointed magistrate (*juez de plazas*) who handled all offenses which occurred in the public markets. The judge, however, sent most criminal cases, virtually

all for petty theft, to the tribunal of the corregidor.²⁸ Although Mexico City was divided into seven separate criminal jurisdictions, the lower courts of the *alcaldes del crimen*, *alcaldes ordinarios*, and *corregidor* informally and formally judged at least ninety per cent of the criminal cases. Thus, the *Libros de Reos*, despite their imperfections, offer a reliable enough measure of criminality in Mexico City in the late colonial period.

Tables 6-8 depict the level and types of crime committed in the capital in 1798. The completeness of the data for this year facilitates a city-wide reconstruction of arrests for the purpose of indicating criminality in Mexico City in any given year. Although the arrest rate for some offenses and the volume of arrests may have varied over the years, the overall distribution of arrests remained relatively similar. A comparison of arrest records from other years shows no significant disparities in arrest practices. The same offenses were responsible for comparable high rates of arrests.²⁹

Criminal offenses under colonial Hispanic law were not divided, as in Anglo-American law, into felonies and misdemeanors.³⁰ In fact, no formal classification existed. For statistical purposes, however, I have grouped crimes into the standard tripartite system of crimes against the person, property, and public order. As seen in Table 6, crimes which the authorities regarded as the most serious were relatively few. Only 17.4 per cent and 6.6 per cent of the 4,352 arrests were for property and person offenses respectively whereas the courts charged over three-quarters of all offenders with crimes against the public order.

Table 7 lists arrests according to specific criminal violations. Table 8 groups related crimes and ranks them in order of incidence.

Only nine crime-types accounted for over ninety per cent of the arrests in Mexico City in 1798. By far, drink offenses represented the most common criminal infraction. Slightly less than one-half of all offenders were charged with intoxication, frequenting illegal taverns such as casas de pulque and tepacherías, violating the 9 P.M. curfew in the legal brandy and wine taverns (vinaterías), or unlawfully selling intoxicants in the city streets. The percentage of arrests for intoxication, although comprising one-fifth of all arrests in 1798, climbed even higher with the increased consumption of colonial manufactured brandy (aguardiente) in the early nineteenth century.³¹

Incontinence (incontinencia), or common-law marriage, accounted for the next highest arrest rate. The number of police arrests rose sharply in the 1790's as the colonial authorities initiated a campaign to force couples living in free union to marry in a church ceremony.³² The jail and court scribes made no distinction among the varieties of theft. They lumped all cases of robbery, burglary, and larceny together into the crime of robo. The arrest rate for theft is misleading since the Acordada concentrated on apprehending offenders in large scale property offenses. By including the Acordada arrests, theft comprised at least ten per cent of all arrests in the city in 1798.³³

Accounting for almost seven per cent of the arrests, sex crimes comprised prostitution (0.4 per cent) and a catchall term called sexual promiscuity, tratarse ilícitamente (6.3 per cent), which primarily included cases of non-professional prostitution. Because of court practices in rape cases, however, the figure for promiscuity is inflated. The arrest rate for rape (0.3 per cent) is seriously underrepresented. It was dangerous for "respectable" women to venture unescorted into the

streets during the evening, especially in the unlit districts. Fearing for the lives of these women, the guardafaroleros arrested over 100 of them annually for walking the streets after the mid-evening municipal curfew.³⁴ Rapes were more common than the arrest records indicate, but the lower courts handled rape cases by generally classifying the crime as sexual promiscuity. Two factors accounted for this practice. The magistrates believed that women over twenty and under sixty-five were responsible for their sexual behavior. If a woman in this age group wanted rape charges filed against a man or if the police caught a man raping a woman in public, the court, in the vast majority of cases, charged each person with promiscuity, contending that both were consenting adults.³⁵ Another factor was the result of a growing leniency in the rape laws which impeded punishment of a rapist. The crown maintained that a man was put in an unfair position in rape cases. In order to correct the "arbitrarinesses and abuses" of such cases, King Charles IV in 1796 prohibited the arrest and incarceration of any man accused of rape as long as he returned to the tribunal for the trial.³⁶ Four years later, Viceroy Azanza extended the law to cover men enjoying military privilege (fuero militar).³⁷ The magistrates circumvented the law by charging most known rapists with sexual promiscuity and meting out some form of punishment. If the judges of the lower courts followed the spirit of the law, the rapists would probably never have received any judicial punishment.

Homicides and assaults accounted for six per cent of the arrests in 1798. Their real incidence was greater since many violent altercations within kin groups were not reported to the police.³⁸ The homicide rate (0.3 per cent) is extremely low, especially in the light of

countless statements made by police officials and upper class citizens about the frequency of murders among the urban poor.³⁹ The courts charged six per cent of all offenders with gambling illegally in recreation halls (casas de truco) or in unsanctioned gambling parlors (casas de juego).⁴⁰

Disorderly conduct embraced a wide range of unacceptable behavior, such as serenading in the streets (andar corriendo gallo), throwing late night parties in the bull ring, rioting, and defecating in public.⁴¹ Debt cases were more common than the arrest records suggest since the civil courts handled the majority of debt petitions. To insure reimbursement, some creditors filed debt charges in both the civil and criminal courts.⁴² Family offenses, representing almost three per cent of all arrests, consisted of a series of related infractions: marital mistreatment (1.0 per cent), desertion (0.3 per cent), disobedience (0.5 per cent), quarreling (0.5 per cent), and leaving home without permission (0.5 per cent).⁴³

The extremely low arrest rate for begging and the conspicuous absence of cases involving nudity emphasize the importance of distinguishing the criminal law from the enforcement of the law by the police and courts. Beggars and indecently dressed men and women inundated the city, but the judicial authorities rarely took action against them.⁴⁴ Laws against begging and nudity are only two of the many statutes which in actuality remained a body of dead-letter laws.

The lifestyle of the urban poor as a whole aroused much comment. The colonial authorities thought the poor "lived like pigs," were "lazy," "illiterate," "vulgar," "corrupt," "disobedient," and just overall "disgusting."⁴⁵ Within the debased lower classes, roamed the léperos,

whom the authorities considered a class apart from the rest of the urban poor.⁴⁶ According to both contemporaries and modern historians, *léperos* or, as they were often called, *ociosos* were responsible for crime and the breakdown of public order in Mexico City.⁴⁷ The term *lépero* depicted a special type of person in whom accumulated all vices known to cultured society. *Léperos*, the most "dissolute" and "abandoned" of all the poor, composed the dangerous class of "vicious people" who were "without honor, feeling . . . and religion." A *lépero* was typically a rootless, young male Indian or *casta*, unskilled in any trade who spent his day lounging in legal and illegal taverns, drinking, fighting, gambling, and stealing.⁴⁸

Through an analysis of the *Libros de Reos*, this commonly-held description of the *léperos* can finally be examined in order to determine whether it accurately reflected the social composition of the criminal offenders. As seen in Table 9, men accounted for almost three-quarters of all arrests while comprising only forty-two per cent of the population. The sample of males in the 1790 census, however, was underrepresented since many fled the enumerator for fear of impressment or higher taxes.⁴⁹ Nevertheless, the *léperos* were primarily male. The role of women in crime should not be overlooked, however. Since they constituted over one-half of the city's population, their representation in more than one-fourth of all arrests was virtually ignored in the colonial accounts dealing with *léperos*.⁵⁰

Men and women adopted distinct patterns of criminal behavior. Table 10 illustrates these patterns by listing arrest rates by sex in specific crimes and by comparing them to the total arrest rate for each offense. This approach stresses the trends of criminality within the groups. My purpose here is only to offer a broad description of the

types of crime men and women were prone to commit. Each offense will be analyzed in detail in subsequent chapters. Overall, men had higher arrest rates in property crimes such as theft, gambling, and debt, in drink-related offenses, particularly intoxication and tavern violations, and in vagrancy. Female arrest rates exceeded male arrest rates in crimes relating to sexual and family offenses: common-law marriages, desertion, prostitution, and promiscuity. Both men and women shared high rates of arrest in crimes of violence.

Léperos were all ages, although those between twenty and thirty-nine were more heavily represented (Table 11). Whereas this age group constituted fifty-eight per cent of the city's population, léperos between twenty and thirty-nine were responsible for sixty-seven per cent of all the arrests. Juvenile delinquency was not a serious problem in Mexico City, perhaps indicating a high degree of supervision by parents or guardians.⁵¹ The authorities nevertheless feared juvenile crime. They expressed concern over the increasing number of youth throughout New Spain in the later colonial period whom they saw as a potential threat to public order. Reflecting the opinion of the ruling group, one magistrate in Mexico City believed that if a youth violated the law, he was likely to dedicate himself to a life of crime.⁵² Moreover, the types of crime juveniles tended to commit negated the relatively low rate of youth crime. Table 12 shows that they were highly represented in rapes, thefts, common-law marriages, sexual and family offenses, disorderly conduct, vagrancy, and curfew violations. Overall, they were slightly underrepresented in violent crimes although youth between fifteen and nineteen were responsible for a high rate of violence. The excessive involvement of juveniles under fifteen in theft and vagrancy cases was particularly disconcerting to the authorities.

Table 13 illustrates the overrepresentation of single and especially married persons in the number of arrests. Married men and women, constituting fifty-three per cent of the population, accounted for fifty-seven per cent of the arrests. Widowed offenders were heavily underrepresented in the incidence of crime. Married persons were more prone to commit violent crimes and tavern violations, gamble, go into debt, and mistreat their spouses (Table 14). Single offenders were highly represented in rapes, thefts, and common-law marriages while widowed offenders tended to become inebriated and to form informal marriages.

As seen in Table 15, natives of Mexico City accounted for sixty per cent of the arrests. Provincials and offenders from such regions as Spain and Cuba represented thirty-nine per cent and one per cent respectively. Over three-quarters of the offenders born in the provinces came from five of the present-day political entities which encircle the capital: the states of Mexico, Puebla, Hidalgo, Queretaro, and the Federal District.⁵³ Some of the colonial authorities believed that urban living had a corrupting influence on the normally docile migrants.⁵⁴ Table 16 shows that the provincials were particularly involved in violent crimes, thefts, common-law marriages, prostitution, and debt. Capitales were also highly represented in violent crimes but were more prone to gamble, drink, and cause family problems. With the exception of drink offenses, offenders from regions outside New Spain were excessively involved in similar offenses.

Table 17 reveals the overrepresentation of Indians in the arrest records. Arrest rates for castas, however, were not as high as contemporaries maintained. While constituting twenty-six per cent of the

population, mestizos and mulattoes accounted for only twenty-one per cent of the arrests. Spaniards were also underrepresented. Yet they represented more than two out of every five arrests, a significant figure in the light of contemporary statements which generally overlooked the role of lower class creoles and peninsulares in crime.⁵⁵ Biologically and culturally the Spaniards may have been regarded as superior to the other races, but behaviorally many shared similar patterns of conduct.

As a group, Indians were particularly liable to become intoxicated, steal, and engage in interpersonal violence (Table 18). Spaniards had excessive arrest rates in gambling, debt, tavern violations, sex crimes, family offenses, vagrancy, and disorderly conduct; mestizos in debt, tavern violations, informal marriages, vagrancy, and disorderly conduct; and mulattoes in theft, gambling, sex crimes, and family offenses. Indian arrest patterns were largely isolated from those of the other races. The non-Indians or gente de razón, however, tended to commit related criminal offenses. In terms of patterns of criminal behavior, the division among the lower classes was not between Spaniards on the one hand, and Indians and castas on the other, but between Indians and gente de razón.

The occupational data in the Libros de Reos is accurate. All 323 character investigations conducted by the courts between 1795 and 1807 verified the trade specified by the offender. Reflecting attitudes towards females in the labor force, the arrest inventories, with rare exceptions, contain no occupational information on women.

Contrary to most colonial opinion, a majority of the offenders from the dangerous class possessed some degree of occupational skill.⁵⁶ As seen in Table 19, almost two-thirds were employed in skilled or

semiskilled positions.⁵⁷ Artisans accounted for one-half of the arrests, but they formed only forty per cent of all occupational groups (Table 20). Offenses were distributed among a wide range of guilds, from the prestigious silversmiths and sheet metal workers (hateros) to the lowly confectioners and potters.⁵⁸ However, workers of only five gremios (tailors, shoemakers, masons, carpenters, and weavers) constituted almost three-fifths of all arrests of skilled workers. Unskilled and semiskilled laborers, comprising forty-three per cent of the working force, represented forty-two per cent of the arrests. The arrest rate for unskilled workers was almost twice that of semiskilled workers. For the purpose of statistical analysis, I grouped the heterogeneous unskilled and semiskilled labor forces into a low skilled category since the census listed only artisans, merchants, non-artisans, and a miscellaneous assemblage of educated workers. Numerous unskilled and semiskilled occupations were represented in the arrests, but eighty-three per cent involved only four trades: domestics, cigarette makers from the immense tobacco factory (cigarreros), street peddlers (baratilleros), and porters (cargadores). Domestics and cigarreros alone accounted for almost three-fifths of all arrests of low skilled workers.

Merchants, primarily proprietors of small retail establishments and taverns, constituted only three per cent of the arrests, although merchants as a group comprised seven per cent of the male population. Offenders in the miscellaneous category, such as surgeons, students, clerical workers, supervisory and military personnel, were also under-represented, accounting for five per cent of the arrests. Soldiers comprised less than one per cent of all the arrests in Mexico City, but this figure does not accurately depict the incidence of soldiers

in crime. The police often neglected to arrest a soldier, especially if found with a prostitute, since the civil courts, out of respect for military privilege, automatically turned the offender over to a military tribunal. Sometimes the civil police arrested a soldier and personally escorted him to the military authorities. Such cases were rarely recorded in the arrest data.⁵⁹

Table 21 underlines the divergent patterns of criminal offenses for each of the four principal occupational groups. Low skilled workers were highly represented in interpersonal violence, intoxication, and especially theft while artisans were more frequently arrested for gambling, tavern violations, and intoxication. Merchants and the more educated workers exhibited related patterns of criminal conduct. Although merchants ranked higher in theft and tavern violations, both occupational groups had high arrest rates for gambling, debt, informal marriages, and sex crimes.

Analysis of the biographical profile of the *léperos* indicates that they were neither marginal types nor dregs of the lower classes. They consisted of both men and women; they were not particularly young; they were not mainly single and rootless; they were not merely Indian and *casta*; and they were not largely unskilled. They were drawn from all racial, occupational, marital, age, and sex categories, with a large percentage representing the socially superior Spaniards and the economically superior artisans. The *léperos* were not a distinct group within the urban poor as their contemporaries believed, but represented instead a cross section of the lower social sectors of Mexico City. The dangerous class existed only in the collective mind of the colonial elite.

The authorities believed in the existence of the léperos because they maintained that crime resulted from individual behavioral perversities. They attributed the offensive conduct of the léperos to such inborn characteristics as feeble-mindedness, racial origin, or simply the moral weakness of the individual.⁶⁰ Spaniards and artisans, they assumed, were not as susceptible to these corrupting influences. Humboldt reflects this conception by ascribing the degenerate nature of the léperos to widespread racial miscegenation which produced mestizo and mulatto races "less industrious" and more criminal-prone than the white creoles.⁶¹ For the colonists, the use of the word lépero applied to a member of the lower classes indicated a judgment of moral and biological inferiority.

The concept of lépero, however, is meaningless as an approach to study lower class crime. Its use places too much emphasis upon the existence of a distinct dangerous or criminal class and not enough upon lower class behavior as a whole. A more profitable approach to examine urban crime and the lifestyles of the urban poor is through the concept of a lower class subculture in which customary behavior often deviated from the conduct norms of the social elite. The majority of the urban poor belonged to this subculture in which numerous types of criminal and deviant behavior were acceptable to the poor themselves. The value of this cultural approach lies in its underlying assumption that behavior is a reflection largely of group or aggregative influences, not of individual or racial traits. It emphasizes that a person is taught to behave by the culture or subculture into which he or she is born.

Consensus on conduct norms and values exists only in a homogeneous society. A society, however, is usually the composite of several

overlapping cultures, each with its particular way of life and system of distinct symbols and meanings. As a result of unequal distribution of and access to wealth, society in colonial Mexico was divided into two broad socio-cultural groups, or as eighteenth century Mexicans called them, "la gente culta" and "el pueblo bajo."⁶² Although the urban poor participated in and shared the dominant culture of which they were part, they possessed their own sets of values, attitudes, and patterns of conduct which were often alien to those of the ruling class. The conflict of cultures was most evident in the area of criminal law where the conduct norms of the dominant social minority were codified. The criminal law delineated the values and forms of behavior the colonial authorities regarded as essential for the maintenance of public order. They viewed any violation of these values as an injury to be punished. One of the major problems of enforcing the criminal code was the incongruity between the laws of the state and the conduct norms of the lower classes. Customary and tolerated behavior among the urban poor was judged deviant and criminal by the dominant minority in control of the political institutions. For this minority, lower class subcultural behavior patterns such as petty theft and common-law marriages were illegal, but for the social majority, these forms of conduct were implicitly accepted and possessed widespread validity. The legal norms of colonial Mexico failed to take into consideration the behavioral norms of the urban poor.

Behavior within the lower class subculture was the result of acquired or developed conduct. Learning what behavior was proper and what was not constituted a process through which values were transmitted from one generation to another and were acquired by individuals through association with others. The development of a deviant value system

began in early childhood through family influences and continued in later life through the influence of occupational, neighborhood, and peer groups. Not all members of the urban poor adhered to all criminal forms of conduct nor did they react in deviant manners in all situations. As Robert Berkhofer states: "Individuals may be committed in varying degrees to the shared attitudes and actions of their society."⁶³ To understand why some of the poor may have formed common-law marriages, but did not steal, or why others may have gambled, but did not drink to excess, other factors, such as individual psychological traits and situational contexts, must also be examined.

Exactly how many of the urban poor embraced deviant values is difficult to determine. The arrest records, however, offer some idea. In 1798, for example, the police arrested more than one out of every eight persons among the urban poor.⁶⁴ This figure does not include in the total population the numbers of transients and traders who entered the city daily, but this is more than offset by the fact that not all crime was detected, reported, or recorded. The level of criminal activity among the lower classes of Mexico City must have been considerably higher than the arrest inventories indicate.⁶⁵

The concept of a lower class subculture forms the underlying theme of this study. Through it, the *Libros de Reos* permit an examination not just of crime in Mexico City, but of the daily lives of the urban poor. Crime does not exist independently of other social processes. As a group and not individual phenomenon, it is also an expression of social and economic conditions, values, habits, and behavioral patterns among lower class society as a whole. Arrest statistics and criminal court testimonies, that is, sources reflecting actual and ideational

behavior, afford a viable approach to the study of values, preoccupations, and attitudes of a people.⁶⁶ Although such source material tends to stress the darker side of lower class life, it nevertheless sheds light on the relatively unknown poor of New Spain's most populous city.

NOTES

1. "Estado general de la población de México, capital de Nueva España...año de 1790," Archivo General de la Nación, Mexico (hereafter cited as AGN), Impresos Oficiales, vol. 51, expediente 48; Alexander von Humboldt, Political Essay on the Kingdom of New Spain, trans. by John Black (4 vols.; London, 1811), I, 97, 131, 206, 236, 242-243, 425. Next to Mexico City, the ten most populous urban centers in 1793 were: Puebla (52,717), Guanajuato (32,098), Merida (28,392), Queretaro (26,849), Zacatecas (25,495), Oaxaca (19,069), Valladolid (17,093), Durango (11,027), San Luis Potosi (8,571), and Tlaxcala (3,357).

2. Bando, Bucareli, March 5, 1774, AGN, Bandos, vol. 8, fol. 140; "Hospicio de Pobres: Ordenanzas para su gobierno," Bucareli, July 12, 1777, Ibid., vol. 10, fols. 45-71v; "Reglamento de empedrado," Revillagigedo, May 1, 1790, Ibid., vol. 15, fols. 181-182v; bando, Revillagigedo, August 3, 1790, Ibid., fols. 208-210v; bando, Revillagigedo, November 26, 1790, Ibid., fol. 247; bando, Revillagigedo, March 26, 1791, Ibid., vol. 16, fol. 15; bando, Revillagigedo, April 21, 1791, Ibid., fol. 156; bando, Branciforte, January 2, 1796, Ibid., vol. 18, fol. 261; bando, Azanza, July 9, 1800, Ibid., vol. 20, fol. 209; bando, Venegas, October 12, 1810, Ibid., vol. 25, fol. 139.

3. "Ordenanza de la división de México en Cuarteles, creación de Alcaldes de Barrio, y reglas de su gobierno, con una mapa de la ciudad," Mayorga, December 4, 1782, AGN, Bandos, vol. 12, fols. 101-124; bando, Mayorga, December 7, 1782, Ibid., fol. 100; Eduardo Báez Macías, ed., "Ordenanzas para el establecimiento de Alcaldes de Barrio en la Nueva España. Ciudades de México y San Luis Potosí," Boletín del Archivo General de la Nación (hereafter cited as BAGN), 2nd ser., 10 (enero-junio, 1969), 51-125.

4. "Reglamento para el gobierno que ha de observar en el alumbrado de las calles de México," Revillagigedo, April 7, 1790, AGN, Bandos, vol. 15, fols. 158-160; bando, Revillagigedo, April 15, 1790, Ibid., fol. 175. Also see Ernesto Lemoine Villacaña, ed., "El alumbrado público en la ciudad de México durante la segunda mitad del siglo XVIII," BAGN, 2nd ser., 4 (Octubre-Diciembre, 1963), 783-818.

5. Gazetas de México, January 4, 1785, p. 217.
6. "Estado general de la población," AGN, Impresos Oficiales, vol. 51, exp. 48. Of the 29,226 males over the age of sixteen recorded in the 1790 census, 26,236, or 89.8 per cent, were listed as artisans, day laborers, agricultural and factory workers or having no trade.
7. Humboldt, Political Essay, I, 184.
8. Testimony of Mariano Buena Ventura in Residencia of Viceroy Revillagigedo, July 15, 1796, AGN, Historia, 59, exp. 4.
9. The criminal cases and Libros de Reos repose in two municipal civil and penal archives in Mexico City: Archivo Judicial del Tribunal (hereafter cited as AJT) and Archivo General del Juzgado (hereafter cited as AGJ).
10. The following listing of each Libro de Reos gives the jurisdiction, the months and year, and the number of entries: Corregidor, julio-diciembre, 1794, 987; Alcalde ordinario mas antiguo, junio-diciembre, 1795, 217; Alcalde ordinario mas antiguo, enero-diciembre, 1796, 655; Corregidor, enero-septiembre, 1796, 876; Alcalde ordinario mas antiguo, enero-diciembre, 1798, 733; Alcaldes de barrio números 22 y 23, enero-octubre, 1798, 405; Corregidor, enero-diciembre, 1798, 3214; Alcalde ordinario mas antiguo, diciembre-agosto, 1799-1800, 262; Alcalde de barrio número 21, enero-diciembre, 1800, 140; Alcalde ordinario menos antiguo, enero-julio, 1807, 565. I did not include the 1794 Libro de Reos in the statistical calculations in this study since it contained much missing data. However, I occasionally use specific cases from the 1794 inventory.
11. The formation of detailed police and court records in the late eighteenth century was an effort to improve both the penal record-keeping procedures and the administration of justice. Upon entering the municipal jail, all prisoners gave biographical information to the jail scribe who recorded it along with the cause of arrest in the Libro de Entradas. On the same or following day, the scribes of the jueces mayores went to the jail to record the entries of those prisoners who had been arrested by the police officer serving under each of the magistrates. These second inventories became the Libros de Reos. The municipal courts kept similar records through the middle of the nineteenth century. AJT, Penal, vol. 3 (1787), exp. 47; vol. 5 (1791), exp. 37; vol. 9 (1809), exp. 48. Also see Juan Rodríguez de San Miguel, comp., Pandectas hispano-mexicanas, ó sea Código general comprensivo de las leyes generales, útiles y vivas de las Siete partidas, Recopilación novísima, la de Indias, autos y providencias conocidas de Montemayor y Beleña, y cédulas posteriores hasta el año de 1820 (3 vols.; Mexico, 1839-40), III, 564-565.
12. Only eighteen Negroes were arrested. For a discussion on coding the racial variable see Sherburne F. Cook and Woodrow Borah, Essays in Population History (2 vols.; Berkeley, 1971-74), II, 188-195. The city magistrates altered the prisoner's race in less than one per cent of all court cases.

13. José Antonio Alzate to Viceroy Revillagigedo, March 10, 1791, AGN, Historia, vol. 74, exp. 1, fols. 11-11v; fiscal de lo civil Ambrosio Saparzurieta to Viceroy Iturrigaray, April 30, 1808, AGN, Civil, vol. 2126, exp. 1, fol. 97v; Francisco Sedaño, Noticias de México (2 vols.; Mexico, 1880), II, 95-96; Gazetas de México, March 15, 1791, p. 283.

14. Humboldt, II, 81.

15. In applying the location of arrests by race data to all the cuarteles menores, distinct residential patterns become evident. With some overlapping, Spaniards were concentrated in districts 1, 3, 5, 7, 8, 9, 11, 13, 27, 29 and 30; Indians in districts 2, 6, 7, 10, 11, 12, 15, 18, 19, 21, 23, 25, 26 and 31; mestizos in districts 3, 5, 9, 10, 13, 14, 16, 17, 19, 21, 22 and 29; mulattoes in districts 5, 6, 10, 11, 14, 19, 22, 25 and 29. The traza was redefined in 1736 to comprise the eight cuarteles menores listed in the text. Although designated as the Spanish residential district, the traza by the late eighteenth century had disintegrated. Creoles and peninsulares resided within the traza as did a majority of castas. Indians lived in the zone, especially in districts 7 and 11, but most still resided in the barrios. According to contemporaries, the "most prostituted and abandoned persons" generally lived on the outskirts of the city. See Saparzurieta to Iturrigaray, April 30, 1808, AGN, Civil, vol. 2126, exp. 1, fol. 97v.

16. Cook and Borah, Essays in Population History, I, 213-217.

17. Marshall B. Clinard, Sociology of Deviant Behavior (3rd ed.; New York, 1968), p. 37. I constructed the crime-committing population beginning at age sixteen since the 1790 census readily lends itself to this approach. Moreover, persons under sixteen accounted for only 2.8 per cent of all arrests.

18. For a discussion of the reliability of criminal statistics, see Edwin H. Sutherland and Donald R. Cressey, Criminology (8th ed.; Philadelphia, 1970), Donald R. Taft and Ralph W. England, Jr., Criminology (4th ed.; New York, 1964), and Thorsten Sellin and Marvin E. Wolfgang, The Measurement of Delinquency (New York, 1964). According to 1971 FBI statistics, eighty-four per cent of all homicides, sixty-six per cent of all aggravated assaults, and twenty-seven per cent of all robberies led to arrests. Sutherland and Cressey, p. 26.

19. AJT, Penal, vol. 5 (1792), exp. 68; AGJ, Penal, vol. 2 (1803), exp. 27; Libro de Reos. Alcaldes de barrio números 22 y 23, 1798 (hereafter cited as LR: AB (1798)), fols. 2 and 11.

20. Thorsten Sellin, "The Significance of Records of Crime," Law Quarterly Review, 67 (October, 1951), 489-504.

21. See Chapter Six for a detailed discussion of the informal and formal court systems.

22. AJT, Penal, vol. 4 (1790), exps. 18 and 22; vol. 9 (1803), exp. 64. Also see "Ordenanzas de Levas," December 10, 1792, AGN, Bandos, vol. 16, fols. 222-224v; Instrucción reservada que el conde de Revilla Gigedo, dio a su successor en el mando, marqués de Branciforte (Mexico, 1831), pp. 30-33; Rodríguez de San Miguel, Pandectas, III, 540, 541 note 7, 545-547.
23. AJT, Penal, vol. 4 (1790-91), exps. 39, 47 and 67; vol. 5 (1791), exp. 20; vol. 9 (1804), exp. 79; Libro de Reos. Alcalde ordinario mas antiguo, 1796 (hereafter cited as LR:AO (1796)), fols. 59 and 145v; Libro de Reos. Alcalde ordinario menos antiguo, 1807 (hereafter cited as LR:AO (1807)), fol. 55v; Gazetas de México, August 8, 1786, pp. 168-169.
24. See the decree issued by the Audiencia on February 17, 1785 extending the jurisdiction of the alcaldes de barrio to cuarteles menores other than their own. AJT, Penal, vol. 3 (1785), exp. 12.
25. AJT, Penal, vol. 11 (1807), exps. 9, 19, 29 and 43; juez de Acordada Manuel Antonio de Santa María y Escovedo to Viceroy Branciforte, March 12, 1798, AGN, Ayuntamiento, vol. 107, exp. 3, fol. 24v. By the late eighteenth and early nineteenth centuries, the municipal magistrates used the Acordada as a reserve police force in extraordinary cases. See AGN, Policía, vol. 33, fols. 162-169v and 197-205. Also see Colin M. MacLachlan, Criminal Justice in Eighteenth Century Mexico: A Study of the Tribunal of the Acordada (Berkeley, 1974).
26. AJT, Penal, vol. 8 (1801), exp. 49; vol. 12 (1810), exp. 64; AGJ, Penal, vol. 1 (1802), exp. 8. For a discussion of the role of the Indian municipal governments in Mexico City during the late colonial period, see Charles Gibson, The Aztecs Under Spanish Rule (Stanford, 1964), pp. 180 and 191.
27. In 1784, Viceroy Matías de Gálvez made the military patrols subject to the civil magistrates in matters of municipal police. Eusebio Buenaventura Beleña, Recopilación sumaria de todos los autos acordados de la real audiencia y sala del crimen de esta Nueva España, y providencias de su superior gobierno (2 vols.; Mexico, 1787), I, 5th, CCXXIV. Also see circular, Branciforte, October 10, 1795, AGN, Bandos, vol. 18, fol. 130; Instrucción...Revilla Gigedo, p. 135. Three of the most important military patrols were the Regimiento Urbano del Comercio, Esquadron de Caballería Urbana and Regimiento de Infantería de Nueva España. Superior orden, Azanza, September 8, 1798, AGN, Historia, vol. 453, exp. 8; Iturrigaray to Sargento Mayor de la Plaza, March 14, 1808, AGN, Policía, vol. 22, fol. 224. For specific cases of military assistance in the arrests of civilians, see AJT, Penal, vol. 4 (1790), exp. 9; vol. 7 (1797), exp. 16; vol. 8 (1800), exp. 28; LR:AO (1796), fol. 141.
28. "Reglamento para el mercado del Volador," November 11, 1791, AGN, Bandos, vol. 16, fols. 98-103v; Gazetas de México, January 24, 1792, p. 14; AJT, Penal, vol. 7 (1797), exp. 11.

29. I constructed arrest rates for 1798 from three Libros de Reos, those of the Corregidor, Alcalde ordinario mas antiguo and Alcaldes de barrio números 22 y 23. To compensate for the lack of records from other districts, I weighted the cases in the latter two arrest books. Based on a comparison between the number of public works sentences given in all the lower tribunals, I concluded that the arrest data in these inventories would have to be weighted by a factor of 6.3 and 8.0 respectively in order to arrive at figures representative of the arrest rate throughout Mexico City in 1798. Since the Corregidor's court heard cases from all eight jurisdictions, I simply added these cases to the weighted cases of the other two tribunals. As seen in Tables 4 and 5, any discussion of city-wide arrest rates would have to include data from both police forces. Reliance on any one set of data would distort the patterns of arrests.

30. Taft and England, Criminology, p. 47. Also see Rollin M. Perkins, Criminal Law (2nd ed.; Mineola, N.Y.).

31. See Chapter Five.

32. See Chapter Four.

33. Iturrigaray to Sala del Crimen, May 2, 1808, AGN, Civil, vol. 2126, exp. 4, fol. 1.

34. AJT, Penal, vol. 3 (1785), exp. 34; Libro de Reos. Alcalde ordinario mas antiguo, 1795 (hereafter cited as LR: AO (1795)), fols. 9-9v; LR: AO (1796), fol. 89; Antonio Teran to Jacobo Villa Urrutia, February 28, 1806, AGN, Policia, vol. 33, fols. 56-58v.

35. Eighty-nine per cent of all rape victims were under twenty while the remainder were over sixty-five. To prove her charge in obvious rape cases, a woman had to first prove her previous virginity through certification from a priest and then through a medical examination by a midwife. Libro de Reos. Corregidor, 1794 (hereafter cited as LR: C (1794)), fol. 59v; LR: AO (1796), fol. 127.

36. Rodríguez de San Miguel, Pandectas, III, 446; bando, Marquina, July 19, 1802, AGN, Bandos, vol. 24, fol. 170.

37. Bando, Azanza, February 6, 1800, AGN, Bandos, vol. 20, fols. 165-166.

38. Despite this, however, the majority of all reported violent crimes involved family members. See Chapter Four.

39. Bando, Sala del Crimen, April 24, 1772, AGN, Bandos, vol. 8, fols. 53v-54.

40. See Chapter Three.

41. Bando, Bucareli, March 15, 1779, AGN, Bandos, vol. 11, fol. 9; bando, Florez, November 17, 1787, Ibid., vol. 14, fol. 257; bando, Branciforte, November 17, 1794, Ibid., vol. 18, fol. 483; bando, Azanza, July 9, 1800, Ibid., vol. 20, fol. 209; bando, Marquina, December 15, 1802, Ibid., vol. 24, fol. 221; AGN, Policía, vol. 15, exp. 1, fols. 1-84.

42. LR: AO (1795), fol. 16.

43. See Chapter Four.

44. Administrador del Hospicio de Pobres Juan Antonio de Araujo to Iturrigaray, April 3, 1804, AGN, Historia, vol. 441, fols. 5-5v; bando, Branciforte, November 17, 1794, AGN, Bandos, vol. 18, fol. 483; AJT, Penal, vol. 5 (1792), exp. 53; vol. 6 (1795), exp. 25; vol. 7 (1798), exp. 22. Also see Norman F. Martin, "La desnudez en la Nueva España del siglo XVIII," Anuario de Estudios Americanos, 29 (1972), 261-294.

45. Testimony of Areche in Residencia of Revillagigedo, July 30, 1796, AGN, Historia, vol. 59, exp. 11, fol. 608; Junta de Policía to Viceroy Lizana, February 12, 1810, Ibid., vol. 453, exp. 13; Francisco María Herrera to Junta de Policía, January 24, 1779, AGN, Ayuntamiento, vol. 107, exp. 1, fol. 45; Sala del Crimen to Iturrigaray, May 28, 1808, AGN, Civil, vol. 2126, exp. 4, fol. 6; AGJ, Penal, vol. 3 (1805), exp. 9; Gazetas de México, April 5, 1785, p. 279.

46. The léperos were referred to as the "casta de gentes entre los del populacho." fiscal de Real Hacienda Francisco Xavier Borbon to Iturrigaray, January 30, 1806, AGN, Civil, vol. 2126, exp. 1, fols. 21-21v; Pedro Jacinto Valenzuela to Revillagigedo, February 9, 1793, AGN, Policía, vol. 19, fol. 143v; Instrucción del virrey Marqués de Croix que deja a su sucesor Antonio María Bucareli, ed. by Norman F. Martin (Mexico, 1960), p. 53. This attitude persisted well into the nineteenth century. See Niceto de Zamacois, Historia de Méjico desde sus tiempos mas remotos hasta nuestros dias (22 vols.; Mexico, 1876-82), XI, 286-287 and 287 nota 1.

47. Iturrigaray to Sala del Crimen, May 2, 1808, AGN, Civil, vol. 2126, exp. 4, fol. 1; Humboldt, I, 235; Gibson, Aztecs, pp. 383-384; Hubert Howe Bancroft, History of Mexico (6 vols.; San Francisco, 1886-1888), III, 754; Lesley B. Simpson, Many Mexicos (4th ed. rev.; Berkeley, 1967), pp. 148-149 and 157-159.

48. Bando, Croix, September, 1766, AGN, Bandos, vol. 6, no. 45; bando, Croix, February 26, 1767, Ibid., no. 57; superior orden, Revillagigedo, February 5, 1793, AGN, Policía, vol. 19, fols. 138-138v; José Barela to Jacobo Villa Urrutia, October 12, 1807, Ibid., vol. 34, fol. 85v; Borbon to Iturrigaray, January 30, 1806, AGN, Civil, vol. 2126, exp. 1, fol. 21; Saparzurieta to Iturrigaray, October 31, 1807, Ibid., exp. 2, fol. 19v; AGJ, Penal, vol. 2 (1803), exp. 24; Instrucción... Croix, p. 11

49. For criticism of the census, see José Antonio Alzate to Revillagigedo, March 10, 1791, AGN, Historia, vol. 74, exp. 1, fols. 11-11v; Humboldt, Political Essay, I, 97-98; Sedaño, Noticias de México, II, 95-96; Gazetas de México, March 15, 1791.

50. Sedaño, however, notes that the léperos were not entirely men.

51. The low rate of juvenile crime is perhaps a trait of preindustrial societies or societies not completely industrialized. See Eric H. Monkkonen, The Dangerous Class: Crime and Poverty in Columbus, Ohio, 1860-1885 (Cambridge, Mass., 1975).

52. AGJ, Penal, vol. 3 (1805), exp. 11. See Cook and Borah, Essays in Population History, I, 252-253 and 263.

53. To record the place of origin for each offender, I used the code published by the Mexican Secretaría de Industria y Comercio, Dirección General de Estadística entitled División municipal de las entidades federativas (Mexico, 1973).

54. José Ygnacio Cano y Motesuma to Iturrigaray, AGN, Policía, vol. 33, fols. 55-55v.

55. Even Joel Poinsett, writing in the 1820's, concluded that "almost all" léperos are Indians and mestizos. Notas sobre México (1822) (Mexico, 1950), p. 95. Revillagigedo was one of the only ranking officials to notice the participation of Spaniards in crime. Instrucción...Revilla Gigedo, p. 88.

56. By the late 1790's and early 1800's, some officials took notice of the artisans who frequented the pulquerías and vinaterías. Regente José Juan Fagoaga to Iturrigaray, March 25, 1807, AGN, Civil, vol. 2126, exp. 1, fol. 27; Francisco de la Cotería to Junta del Gobierno del Consulado, May 30, 1807, Ibid., exp. 2, fol. 18.

57. See Appendix A for a listing of all occupations according to level of skill.

58. According to Manuel Carrera Stampa, other guilds "enjoyed great prestige": sastres, carpinteros, tiradores de plata y oro, sederos, coheteros and entalladores. Zurradores, toneleros, confiteros, guanteros, pasteleros and tintoreros by the late colonial period were regarded as "gremios pauperísimos." Los gremios mexicanos. La organización gremial en Nueva España, 1521-1861 (Mexico, 1954), pp. 263-270.

59. LR: AO (1795), fols. 4v-5; LR: AB (1798), fols. 5-6; Libro de Reos. Corregidor, 1796 (hereafter cited as LR: C (1796)), fol. 2v.

60. "Informe sobre pulquerías y tabernas el año de 1784," BAGN, 18 (1947), 198.

61. Humboldt, Political Essay, I, 235.

62. Instrucción reservada que dio el virrey don Miguel José de Azanza a su sucesor don Félix Berenguer de Marquina, ed. by Ernesto de la Torre (Mexico, 1960), p. 64; Instrucción...Revilla Gigedo, p. 33; Humboldt, Political Essay, I, 184-185.

63. A Behavioral Approach to Historical Analysis (New York, 1969), pp. 63-64.

64. Adjusting for a 1.7 per cent annual growth rate, I estimate that in 1798 the urban poor numbered 76,665. By dividing this calculation by the 9,898 arrests made in 1798, I conclude that the police arrested 12.9 per cent of the urban poor that year. See Chapter Two for a discussion of the demographic growth of Mexico City in the late colonial period.

65. Modern criminologists estimate that recorded crime represents less than one-fifth of all crime. Sutherland and Cressey, Criminology, pp. 27-30.

66. Berkhofer, Behavioral Approach, pp. 8-73.

TABLE 1
LOCATION OF ARRESTS BY RACE: CENTER CITY
(PER CENT)

Cuarteles menores	Spaniards	Indians	Mestizos	Mulattoes	Total
1	8.4	6.8	6.4	6.9	7.2
3	4.2	4.0	4.6	2.3	4.1
5	15.5	8.9	11.7	13.8	11.5
7	8.8	7.5	5.3	5.7	7.4
9	4.0	3.6	4.6	3.4	3.9
11	15.1	15.2	11.7	20.7	14.8
13	7.1	5.6	9.5	4.6	6.7
14	9.2	9.3	12.4	12.6	9.9
Total	72.3	60.9	66.2	70.0	65.5
Total cases 1,710					

TABLE 2
 PERCENTAGE OF ARRESTS IN WHICH
 CHARGES WERE FILED BY CRIME

Crime	Per Cent
Debt	98.9
Family offenses	69.0
Vagrancy	57.7
Theft	55.2
Incontinence	41.2
Violent crimes	22.4
Sex offenses	17.4
Disorderly conduct	9.0
Gambling	6.5
Intoxication	1.4
Tavern violations	0.2
Total cases 5,299	

TABLE 3
LOCATION OF ARRESTS BY ARRESTING OFFICER
(PER CENT)

Cuartel mayor	guardafarolero	alcalde ordinario	alcalde de barrio
I	15	11	6
II	23	28	29
III	20	26	32
IV	26	16	9
V	7	8	10
VI	3	4	10
VII	4	2	0
VIII	2	5	4
Total cases 1,710			

TABLE 4
SPECIALIZATION OF POLICE FORCES:
MAJOR CRIME TYPES
(PER CENT)

Crime	Guardafarolero	Alcalde Ordinario
Person	4	9
Property	5	26
Public order	91	65
Total cases 5,837		

TABLE 5
SPECIALIZATION OF POLICE FORCES:
SPECIFIC CRIMES
(PER CENT)

Crime	Guardafarolero	Alcalde Ordinario
Violence	4	9
Theft	4	12
Gambling	1	7
Debt	* ^a	7
Intoxication	68	5
Tavern violations	2	19
Incontinence	2	14
Sex crimes	5	9
Family offenses	1	5
Disorderly conduct	3	3
Vagrancy	* ^a	2
Curfew violation	4	* ^a
Others	6	8
Total cases	5,837	

^aLess than one per cent

TABLE 6
ARRESTS, 1798: MAJOR CRIME TYPES

Crime	Per Cent
Person	6.6
Property	17.4
Public order	76.0
Total cases 4,352	

TABLE 7
ARRESTS, 1798: SPECIFIC CRIMES

Crime	Per Cent
Person	
Homicide	0.3
Aggravated assault	3.4
Simple assault	2.4
Rape	0.3
Others	0.2
Property	
Theft	7.0
Sale of stolen property	0.3
Gambling	6.0
Debt	3.6
Others	0.5

TABLE 7 - continued

Crime	Per Cent
Public order	
Intoxication	20.7
Illegal taverns	18.9
Minor violations	5.5
Illegal sale of intoxicants	0.3
Incontinence	8.7
Prostitution	0.4
Sexual promiscuity	6.3
Family offenses	2.8
Disorderly conduct	3.9
Vagrancy	1.0
Begging	0.4
Curfew violation	1.3
Slander	1.6
Others	4.2
Total cases 4,352	

TABLE 8

ARRESTS, 1798: SPECIFIC CRIMES GROUPED
AND RANKED ACCORDING TO INCIDENCE

Crime	Per Cent
Drink related	45.4
Incontinence	8.7
Theft	7.0
Sex crimes	6.7
Violent crimes	6.1
Gambling	6.0
Disorderly conduct	3.9
Debt	3.6
Family offenses	2.8
Others	9.8
Total cases	4,352

TABLE 9

ARRESTS, 1798: SEX OF OFFENDER

Sex	Per Cent	Census ^a
Male	74	42
Female	26	58
Total cases	4,352	

^aCensus in all tables refers to the 1790 census of Mexico City. Figures listed as percentages.

TABLE 10
ARREST RATES FOR SPECIFIC CRIMES
BY SEX OF OFFENDER
(PER CENT)

Crime	Male	Female	Total Arrests
Violent crimes	6.0	6.4	6.1
Theft	7.8	5.9	7.2
Gambling	4.1	0.3	3.0
Debt	3.8	0.9	3.0
Intoxication	43.0	35.7	40.9
Tavern violations	10.1	6.5	9.1
Incontinence	4.9	14.1	7.5
Sex crimes	4.1	13.0	6.6
Family offenses	2.5	3.3	2.7
Vagrancy	1.2	0.3	1.0
Curfew violation	1.5	4.9	2.5
Total cases 6,064			

TABLE 11
ARRESTS, 1798: AGE OF OFFENDER

Age	Per Cent	Census
Under 20	10	15
20-29	42	37
30-39	25	21
40-49	11	15
Over 50	12	12
Total cases 4,352		

TABLE 12
ARREST RATES FOR SPECIFIC CRIMES
BY AGE OF OFFENDER
(PER CENT)

Crime	Under 15	15-19	Under 20	Total Arrests
Violent crimes	4.1	6.2	5.9	6.0
Rape	1.0	2.1	1.9	0.4
Theft	14.4	10.2	10.8	7.2
Gambling	2.1	2.8	2.7	3.0
Debt	0.0	2.1	1.7	3.0
Intoxication	2.1	15.1	13.1	40.9
Tavern violations	0.6	8.5	7.8	9.1
Incontinence	3.1	12.1	10.7	7.5
Sex crimes	6.2	15.8	14.4	6.6
Family offenses	5.2	4.5	4.6	2.7
Disorderly conduct	6.2	5.1	5.3	3.2
Vagrancy	18.6	3.2	5.6	1.0
Curfew violation	19.6	4.7	7.0	2.5
Total cases	627			

TABLE 13

ARRESTS, 1798: MARITAL STATUS OF OFFENDER

Marital Status	Per Cent	Census
Single	30	28
Married	57	53
Widowed	13	19
Total cases 4,352		

TABLE 14

ARREST RATES FOR SPECIFIC CRIMES BY
MARITAL STATUS OF OFFENDER
(PER CENT)

Crime	Single	Married	Widowed	Total Arrests
Violent crimes	4.0	7.7	4.5	6.1
Rape	0.8	0.2	0.0	0.4
Theft	8.6	6.9	5.0	7.2
Gambling	2.6	3.5	1.7	3.0
Debt	1.5	4.0	2.2	2.9
Intoxication	32.7	43.2	54.2	41.3
Tavern violations	7.5	10.3	6.8	9.0
Incontinence	12.8	4.3	8.7	7.7
Family offenses	1.8	4.1	0.2	2.8
Vagrancy	2.8	0.0	0.2	1.0
Total cases 5,848				

TABLE 15
ARRESTS, 1798: ORIGIN OF OFFENDER

Origin	Per Cent
Mexico City	60
Provinces	39
Other	1
Total cases	4,352

TABLE 16
ARREST RATES FOR SPECIFIC CRIMES
BY ORIGIN OF OFFENDER
(PER CENT)

Origin	Mexico City	Provinces	Other	Total Arrests
Violent crimes	6.1	6.1	2.2	6.1
Theft	6.2	8.7	4.3	7.2
Gambling	3.1	2.8	15.2	3.1
Debt	2.5	3.4	15.2	3.0
Intoxication	42.1	40.4	21.7	41.3
Tavern violations	9.4	8.1	4.3	8.8
Incontinence	6.9	8.1	6.5	7.4
Sex crimes	6.3	7.0	4.3	6.6
Family offenses	2.9	2.4	4.3	2.7
Vagrancy	1.0	0.9	0.0	1.0
Total cases	5,987			

TABLE 17

ARRESTS, 1798: RACE OF OFFENDER

Race	Per Cent	Census
Spanish	41	46
Indian	38	28
Mestizo	16	19
Mulatto	5	7
Total cases 4,352		

TABLE 18

ARREST RATES FOR SPECIFIC CRIMES
BY RACE OF OFFENDER
(PER CENT)

Crime	Spanish	Indian	Mestizo	Mulatto	Total Arrests
Violent crimes	5.5	7.1	5.2	5.1	6.1
Theft	6.7	7.9	5.7	9.0	7.2
Gambling	4.8	1.5	2.7	5.6	3.0
Debt	4.9	1.5	3.6	1.2	3.0
Intoxication	29.9	50.7	39.5	38.9	41.2
Tavern violations	10.9	7.4	9.9	5.6	8.9
Incontinence	8.9	5.7	9.3	6.5	7.4
Sex crimes	7.9	5.6	6.1	7.8	6.5
Family offenses	3.9	2.0	2.1	3.4	2.7
Disorderly conduct	3.9	2.7	3.5	2.5	3.2
Vagrancy	1.3	0.5	1.4	0.9	1.0
Total cases 6,007					

TABLE 19
ARRESTS, 1798: OCCUPATION OF OFFENDER

Occupation	Per Cent
Unskilled	27
Semiskilled	15
Skilled	50
Merchant	3
Other	5
Total cases	3,764

TABLE 20
ARRESTS, 1798: OCCUPATION
OF OFFENDER-REGROUPED

Occupation	Per Cent	Census
Low skilled	42	43
Artisan	50	40
Merchant	3	7
Other	5	10
Total cases	3,764	

TABLE 21
ARREST RATES FOR SPECIFIC CRIMES
BY OCCUPATION OF OFFENDER
(PER CENT)

Crime	Low Skilled	Artisan	Merchant	Other	Total Arrests
Violent crimes	6.2	5.9	0.0	2.5	5.9
Theft	9.2	6.6	8.0	5.0	7.7
Gambling	3.5	4.1	4.0	5.8	3.9
Debt	3.1	3.6	18.7	8.3	3.8
Intoxication	43.9	44.1	28.0	32.2	43.4
Tavern violations	7.6	11.8	17.3	9.9	10.0
Incontinence	4.7	4.8	10.7	10.7	5.0
Sex crimes	3.9	3.9	5.3	7.4	4.0
Family offenses	2.2	2.9	1.3	2.5	2.6
Vagrancy	1.6	0.9	0.0	0.0	1.2
Total cases	4,150				

CHAPTER TWO MIGRATION AND POVERTY

Threatened by fluctuating corn prices and unstable sources of work, the poor of Mexico City always lived near or below subsistence levels. Rampant unemployment and underemployment resulted in chronic economic insecurity for the urban masses. In 1790, almost one-third of the lower class population was neither employed nor trained in any trade.¹ This group comprised a floating occupational force, sporadically working when jobs were available, and sporadically begging and stealing when jobs were scarce. Nor were artisans, day laborers, and domestics secure in their positions. Corn shortages, epidemics, and naval blockades in the Gulf of Mexico all contributed to periodic widespread unemployment and underemployment. To understand why a large percentage of the working force was not engaged in productive activities and why job security in the capital was nonexistent, we first must briefly examine the state of the economy in the late colonial period and its subsequent effect on internal migrations in New Spain.

Economic growth characterized Mexico's Bourbon century. Reflecting this surge in prosperity, royal revenues increased from three million pesos in 1712, to five and one-half million pesos in 1763, to twenty million pesos thirty years later. Mining production jumped 285 per cent from 1720 to 1803. As measured by the agricultural tax (diezmo), agricultural output surpassed even silver production in value. In the last quarter of the century, the annual value of the diezmo rose almost

seventy-five per cent, from an average of 1.33 million pesos a year in the 1770's to an annual intake of 2.32 million pesos in the late 1790's.²

The late colonial economic recovery was not steady, however. It can best be described as alternating periods of expansion and contraction brought about by a series of reoccurring crises in the colony's staple: corn. As Enrique Florescano shows in his volume on corn prices in eighteenth century New Spain, a crisis in agriculture as indicated by accelerating corn prices led to a general economic crisis throughout most of the colony, particularly on the central plateau.³ Corn shortages, for example, meant recession in the livestock industry because the inclement weather that caused the deficient harvest also damaged pasture lands. Intracolonial commerce suffered because the high price of corn absorbed most, if not all, of the earnings a poor family possessed, thereby reducing the purchasing power of the majority of consumers. With a subsequent depressed market for textiles, obraje entrepreneurs suspended operations and released their employees. Even mining production temporarily slackened as many mine workers abandoned the mining communities in search for food.⁴

From 1741 to 1811, New Spain suffered through eight major corn crises with those of 1749-50, 1785-86, and 1810-11 causing the most havoc in the economic and social structures of the colony. As seen in Tables 22 and 23, corn prices became much more erratic after 1778. Not only did sharp fluctuations occur between the maximum and minimum price, but also prices in general moved upwards.⁵ In the closing decades of colonial rule, the economy of Mexico City and the central plateau lay at the mercy of the capricious nature of corn prices.

In addition to undermining the stability of the colonial economy, corn crises were responsible for triggering massive migrations of the rural poor within the countryside and from the countryside to the large urban centers. Unprotected by such price-controlling agencies as the pósito and alhóndiga, the rural poor received the full impact of fluctuating corn prices.⁶ In times of meager harvests, small farmers, in contrast to the hacendados, were forced to sell their crops as quickly as possible in order to repay outstanding debts or to recover investments. Consequently, they sold the harvest before maximum price and profit levels were reached.⁷ Forced to rid themselves of their land and belongings upon exhausting their food reserves, they could either roam the countryside searching for food or emigrate to the cities where the charitable and price-controlling institutions were concentrated.

Thousands of hacienda workers swelled the ranks of the rural migrants. During the most severe corn crises, especially those of 1785-86 and 1810-11, hacendados often released dispensable workers in order to save on the weekly ration of corn (almud) they customarily gave as part of the laborers' salaries.⁸ To the remaining workers, the hacendados paid the almud in cash, the value of which did not purchase the equivalent amount of food. Thus, many hacienda workers left the "security" of the landed estate for the assumed security of the city.⁹

Mexico City attracted much of the rural migration throughout the colonial period. In the 1692-96 corn shortage, thousands of starving Indians abandoned their villages and flocked to the capital. Alarmed by this influx, Viceroy Montañez ordered the native governors and magistrates of the city to return the migrants to their villages and to prohibit further entry into the city of any Indian who did not come on

business matters.¹⁰ Mexico City did not attract just the rural poor during corn crises. Believing that the city offered more promising employment opportunities, artisans from other urban centers also came to the capital. In the 1801-02 crisis, for example, Juan Agustín Rodríguez, a twenty-seven year old mulatto mason from Puebla journeyed to Mexico City "to solicit work" as a result of the depressed regional economy in the Puebla region.¹¹

Mexico City did not receive provincial migrants only during times of general economic crisis. According to Charles Gibson, the Indian in the countryside ate well most of the time.¹² Migration patterns took another form often overlooked in the social and demographic history of the capital: migrations during periods of economic prosperity. Economic contraction induced by corn shortages typically was succeeded by economic expansion. Such expansion occurred in Mexico City following the crises of 1785-86 and 1801-02. Declining corn prices between 1785 and 1792 increased the purchasing power of the urban and rural masses which, combined with the relatively low cost of Mexican-grown cotton, generated growth in the textile industry in the early 1790's. Artisans, such as weavers and leather workers, benefited from the prosperity of the early years of this decade as did urban day laborers, such as construction workers, whose services were in greater demand. In addition, the illegal chinguirito (colonial made cane brandy) factories scattered in the hills and ravines around the capital increased production to such an extent that by 1790, they produced annually almost 200,000 barrels of the intoxicant as compared to the 19,938 barrels of Spanish manufactured brandy imported into the colony in that year.¹³

Among those lured to the capital by promises of employment in periods of economic well-being were José Anselmo and María Manuela Grez. In San Pedro Escapusaltongo, Anselmo heard of an urgent need in Mexico City for cargadores and immediately left his village to find a secure livelihood.¹⁴ The economic recovery after the 1801-02 crisis brought Grez, an Indian from Octupa, to the capital. Abandoned by her husband, she was left to care for her two infant children and sick parents. Since she believed she could locate a steady source of income in an urban center, Grez entrusted her children to her mother and went to live in Mexico City where she secured employment as a maid. Keeping a fraction of her weekly salary of seven reales, she sent the remainder to her mother.¹⁵ How long Grez and others like her remained in the capital is unknown. I speculate, however, that the practice of sending one family member from the village to the city to support the family was fairly common.

The tobacco factory offered the singular most important source of employment in Mexico City. Established in 1769 to manufacture cigarettes and cigars for the royal tobacco monopoly, the factory, by the next decade, employed over 7,000 workers of both sexes. As early as the 1770's, José de Gálvez, a proponent of the employment-generating capabilities of the factory, noted that it was responsible for the "notorious increment" in the population of the city because "it has attracted, is attracting, and will attract many poor families to this capital."¹⁶ Unfortunately for the poor, the factory was not immune to periods of recession. Periodic shortages of cigarette paper, for example, forced tobacco officials to lay-off many workers, thereby adding thousands to the already bloated numbers of unemployed and underemployed in the city.¹⁷

Once again, the illusion of gainful employment resulted in the reality of starvation for large sectors of the urban and migrant poor.

In times of prosperity and recession, Mexico City received an influx of provincial poor. The fluctuations in the colonial economy promoted a constant, although unsteady, migration to the city throughout the colonial period. An examination of available population accounts for Mexico City in the eighteenth and early nineteenth centuries underline the contribution of migration to the demographic growth of the capital. As Table 24 indicates, population increased from 93,000 in 1742 to 150,000 in 1810.¹⁸ If we accept Humboldt's figure that the annual average number of births during this period exceeded the annual average number of deaths by 880, then the population of the city would have risen by 59,840. However, at least 50,000 persons perished in the major smallpox epidemics of 1761-62 (25,000), 1779 (18,000), and 1797-98 (7,143). Through natural increase and epidemics, the population of the city rose by only 9,840. Yet the figures indicate that the population climbed by a total of 52,000.¹⁹ Although these numbers are, at best, estimates, and do not include in- and out-migration figures, the trend they indicate is clear. Most, at least one-half to perhaps two-thirds, of Mexico City's demographic increment was the product of intracolonial migration.

From the data presented in Tables 22-25, I intend to hypothesize on the growth pattern of the capital. From 1742 to 1810, the population rose at a cumulative rate of 53.1 per cent for an average yearly rate of less than one per cent. This growth, however, was erratic and responded primarily to corn and/or political crises. Larger demographic increases occurred during the more severe corn shortages. The corn

crisis of 1749-50 represented the first massive influx since the end of the seventeenth century as small farmers and rural workers from as far away as the Zacatecas region flocked to Mexico City.²⁰ With declining corn prices, crisis migrations decreased from the mid-1750's to the late 1770's since the need for urban services was not as critical. Migration nevertheless remained steady in the 1770's as the lure of the tobacco factory began to attract the provincial poor. After 1778, migration to Mexico City and other urban centers increased at a higher rate, culminating in the Great Migration of 1810-11.

Several factors account for this trend. The annual price of corn per bushel jumped twofold after 1778. It went from 8.79 reales during the 1766-78 cycle to 18.1 reales during the 1805-1814 cycle. As indicated by annual population increase and by corn prices, demographic growth between 1742 and 1790 was more steady than in the last quarter century of colonial rule although the rate increased when prices between 1778 to 1790 rose almost fifty-four per cent over prices between 1742 to 1778.²¹ The link between corn prices and population growth is more evident following 1790. From 1790 to 1810, the price climbed at an annual rate of 4.1 per cent and population increased 1.7 per cent yearly. With rising corn prices at the end of the colonial period, the rate of demographic growth after 1790 was almost six times greater than the pre-1790 rate.²²

Corn prices were not the only factor which influenced the rate of influx into Mexico City in the late eighteenth and early nineteenth centuries. The expansion of the hacienda system, which was directly related to higher corn prices, also played a determining role. To counteract declining prices in the 1755 to 1779 period, hacendados aimed

to regulate more tightly the production and distribution of corn by purchasing or seizing lands held by Indian communities and small farmers. Such practices left the former landowners with two options. One was to become workers or tenants on the expanding haciendas, and the other was to abandon the countryside and emigrate to the cities.²³ The latter option tended to multiply the numbers of consumers of corn which, by stimulating demand, led to inflated food prices. Greater concentration of lands into fewer hands and surging corn prices had a cumulative effect on migration patterns. As more of the rural poor became landless, as more of the land was absorbed by the rural elite, and as the price of corn rose, the rate of migration into the urban centers of New Spain sharply increased. With the outbreak of the Independence movements in the provinces in 1810-11 and the resulting political and social unrest, the population of the capital jumped almost thirteen per cent in one year as thousands of rich and poor alike sought refuge from the ravages of war.²⁴

An analysis of the migrants largely responsible for Mexico City's growth is in order. The following profiles of the internal migrants and migration patterns are based on data gleaned from the arrest records. Although these inventories contain certain deficiencies such as under-representing the number of women in the migrant population, the size of the sample ($N=2,898$ maximum) is large enough to permit an approximate reconstruction of the people who journeyed to the capital in search for work and security. Furthermore, the sources do not pertain to migration in times of severe economic stagnation. During corn crises, a larger percentage of migrants were probably agricultural workers and small farmers from the countryside while in periods of prosperity, or at least

economic stability, a higher percentage were artisans and day laborers from large provincial cities and large villages.

At least half the migrant population consisted of women. The *Libros de Reos* indicate, however, that almost three-quarters of all provincials arrested were men. But according to the 1790 census, women represented fifty-eight per cent of the city's population. The actual percentage more than likely was lower by as much as five per cent since many men fled to the outskirts of the capital to avoid detection.²⁵ If most of Mexico City's demographic growth resulted from internal migration, and if women outnumbered men in the population, then women must have constituted a majority of the migrants.

Table 26 shows that almost two-thirds of the migrants were between the ages of twenty and thirty-nine and that sixty-three per cent of this group were between twenty and twenty-nine. Even the more elderly provincial Mexicans were mobile. Although the percentage of migrants between forty and fifty-nine drops steadily, the rate jumps in the sixty years and over age bracket. Divergent patterns emerge by examining the age distribution according to sex (Table 27). Women migrants tended to be younger. Fifty-eight per cent were under thirty whereas fifty-four per cent of the male migrants were over this age. Another discrepancy between male and female migrants is found in the sixty years and over bracket with the male rate exceeding the female rate by almost three times.

From additional figures, we can speculate on the plight of the young provincial woman. As Table 28 indicates, female widows were more heavily represented in the records. Whereas only seven per cent of the male migrants were widowed, twenty-nine per cent of the female migrants fell into this category. The fact that a woman was widowed did not necessarily

mean that she was as old as her deceased husband. In fact, many women were considerably younger than their partners.²⁶ Left without a spouse for family support, many young widows and their children, along with a larger population of single women, flocked to the capital to find the subsistence they lacked in the countryside.

Men came to Mexico City later in life probably after frustrating attempts to secure gainful support in the provinces. Only after a spell as an apprentice or journeyman or farm laborer would the married male migrant venture to the capital. The high percentage of single migrants of both sexes presented a critical problem for viceregal and municipal authorities. With twenty-eight per cent of the city's population consisting of single individuals, single persons comprised, as Table 29 shows, thirty-six per cent of the migrant population. Such persons contributed greatly to public disorder in the capital, especially as a result of high arrest rates in theft and sex crimes.

Table 30 lists the racial composition of the migrants. Almost one-half were Indians. Both Spaniards and Indians comprised seventy-eight per cent of the migrant population while mestizos and mulattoes accounted for the remaining twenty-two per cent. No significant difference existed between male and female migrants although castas were slightly better represented in the female group.

Although Mexico City attracted migrants from most regions of the colony, the vast majority came from areas on the periphery of the capital (Table 31). Almost eighty per cent migrated from seven twentieth century jurisdictions that border or nearly border Mexico City: the states of Mexico (26.3 per cent), Puebla (16.4 per cent), Hidalgo (15.3 per cent), Queretaro (6.2 per cent), Tlaxcala (2.5 per cent), Morelos

(1.1 per cent), and the Federal District (11.8 per cent). Of these, ninety-five per cent came from Mexico, Puebla, Hidalgo, Queretaro, and the Federal District. Why the influx from neighboring Tlaxcala and Morelos was low is difficult to ascertain. Perhaps many of the Tlaxcalan migrants viewed the nearby city of Puebla as their haven. Even the distribution and quality of roads between Tlaxcala, Puebla, and Mexico City could have been a determining factor. As contrasted with the economically stagnant Tlaxcala, Morelos was a prospering sector of New Spain at the end of the colonial period. Not only was the sugar industry around Cuernavaca expanding rapidly, but this subtropical region was also relatively immune from the corn crop failures that ravaged the lands of the central plateau.²⁷ The need to emigrate was not as pressing in Morelos as it was in the tierras frías to the north, east, and west of Mexico City.

Table 32 shows significant disparities in migration patterns among racial groups. While a majority of migrants of all races came from the seven peripheral areas, the degree of concentration differed. Indians (81.6 per cent) and mestizos (85.0 per cent) were the most concentrated in the bordering regions with Spaniards (74.9 per cent) slightly more dispersed. With only 56.1 per cent from these areas, mulattoes represented the most widely geographically diffused racial group. A greater percentage of mulattoes came from the tropical lowlands of Veracruz, but large numbers also came from Michoacan, Guanajuato, Oaxaca, and Queretaro. In areas outside the periphery, Spaniards were more highly represented in the states of Guanajuato and Michoacan, areas north and west of Mexico City. Less than five per cent came from villages around the capital which today comprise the Federal District. A very high

percentage of Indians were from this zone, and many natives made the long and arduous trek from Oaxaca. Mestizo migrants share characteristics with both Indian and Spanish migrants: high representation from the Federal District, Michoacan, and Guanajuato.

Municipal origins of the migrants appear in Table 33. Migration rates from Puebla were almost three times greater than from the next urban center. Queretaro and Toluca fall into a distinct middle position followed by Texcoco, Cuautitlan, Guanajuato, Tulancingo, Real del Monte, and Valladolid. Once again, however, distinct patterns emerge among racial groups. To analyze the urban-rural origins of the races, I selected twenty of the more populous communities in New Spain and listed the racial background of the migrants from these population centers. As Table 34 shows, more than sixty per cent of both Spaniards and mulattoes came from large urban and village communities. Mestizo migrants were approximately one-half rural and one-half urban. Indians were overwhelmingly rural with sixty-nine per cent originating from small provincial villages.²⁸

Although the data presented merely opens discussion on migration within colonial Mexico, the trends indicated are clear: substantial numbers of people in periods of corn crisis and economic recovery abandoned the provinces for Mexico City in quest of a more economically secure life. I suggest that migration patterns in New Spain can be described, in part, as a stepping-stone influx to the capital. Colonists from throughout the colony did not flock en masse to Mexico City. Primarily Indians and mestizos from areas outside the periphery would tend to migrate initially to outlying provincial urban centers such as Guanajuato, Valladolid, Toluca, Guadalajara, Queretaro, Pachuca, and

Puebla.²⁹ Only then, if their desires remained unfulfilled, would they venture into the capital. Spaniards, mulattoes, and some mestizos who already resided in these cities, as well as many colonists of all races from the periphery, tended to migrate directly to Mexico City. There were exceptions. Oaxacans came in disproportionately large numbers and Tlaxcalans regarded Puebla as their refuge.

The demographic increase of Mexico City, largely spurred by migration from the provinces, presented the municipal and viceregal authorities with grave problems in several areas. To accomodate the expanding need, Viceroy Revillagigedo in 1793 doubled the existing number of public steam baths (temascales) to twenty-four.³⁰ The city lacked sufficient housing units to shelter the poor. Humboldt estimated that at least 20,000 people slept in the streets of the capital every night.³¹ Four per cent of the arrests made by the night police involved cases of individuals either sleeping in or wandering through the streets after the ten o'clock evening curfew.³² Many of the homeless, such as Martín de la Cruz an Indian from Oaxaca, had recently migrated to the city and were forced to seek lodging in unlocked artisan workshops or vacant, crumbling buildings.³³ Other poor families, both capitaleño and migrant, constructed jacales (shacks typically built of sticks, straw, and grass) in the shadows of the Cathedral and viceregal palace.³⁴ With high rents caused by a burgeoning population, many poor, unable to pay the accumulated rent debt, secretly moved from their apartments or rooms at night. One magistrate reported that in his district, the poor changed residence at least once every four months.³⁵ Revillagigedo's plan in 1791 to eliminate this custom failed completely.³⁶

Population increase also strained the food supply system in the capital. Urban growth placed greater pressure on the authorities of the *pósito* and *alhóndiga* to feed the volatile urban masses. The line between survival and starvation in Mexico City was precarious. Viceroyal officials not only feared paltry corn harvests, but also anguished over the daily influx of hundreds of Indians from the provinces who came to the capital on legal matters. With fewer natives to till the soil and with higher rates of food consumption in the city, the fragile balance between food supply and population, they argued, would be upset. To control this form of migration, Viceroy Azanza in 1799 restricted to two the number of Indians from one village who could enter the capital on community business.³⁷

Demographic growth posed a threat to the public order. From 1795 to 1807, provincials accounted for almost forty per cent of all arrests.³⁸ In addition to the security factor, easy money and diversified social life lured the provincial poor to the capital. The city attracted such types as José Roa, a nineteen year old Indian from the neighboring village of Los Remedios, who succumbed to its "vices." Using his position as servant, Roa stole 300 pesos from his master which he spent primarily on pulque, card games, and prostitutes.³⁹ The presence of the heavily staffed tobacco factory alarmed the viceroys. Their fear was justified. Of all occupational groups, workers from the factory committed the highest rate of crime.⁴⁰ Fearing the presence of so large a body of unruly subjects, Revillagigedo in 1791 commenced construction on a series of military barracks as an additional security measure.⁴¹ In 1799 Azanza established a provincial tobacco factory in the adjoining village of Nuestra Señora de Guadalupe in order to decrease the number of cigarreros in the capital.⁴²

The disintegration of the urban social order caused by the accelerating influx of migrants in the late colonial period led Revillagigedo to implement a registration program for all newcomers to the city who resided in lodging houses. Designed to facilitate the "easy discovery of aggressors and persons of bad character who upset the public calm," the program ignored the existence of the more numerous groups of migrants who lived not in lodging houses, but in the streets or in the homes of family and friends.⁴³ Upset over the numerous problems generated by migration, one prominent citizen in 1786 proposed that the city be walled to prevent further entry of migrants.⁴⁴

For Mexico City, the most devastating long-term effect of migration and demographic growth was the resulting labor surplus. The underlying assumption of the vagrancy codes and the charter for the Hospicio de Pobres was that every able-bodied person willing to work could secure gainful employment.⁴⁵ Some colonists, however, realized that full employment, given the nature of the economy, was an impossibility. One Mexico City doctor, for example, complained in the city's newspaper that New Spain lacked the "resources to usefully employ its inhabitants."⁴⁶ The dilemma for the urban poor was that through migration the city possessed a demographic excess in terms of what the urban economy could absorb. As indicated by high rates of temporary unemployment, Mexico City contained too many people and offered too few jobs.

Despite unemployment rates, underemployment in the long run was the most serious obstacle facing the urban poor. Work, whether legal or illegal, eventually could be found on a daily basis even though the pay was inadequate. Artisans represented the elite of the urban proletariat, but they, too, suffered from the capital's labor surplus.

Nicolás Nanaorada, a fifty year old Spanish baker from Mexico City, reported to a magistrate that he was presently unemployed because "there are too many bakers in this city."⁴⁷ Nanaorada's predicament was uncommon for the majority of the skilled workers since most generally worked three days a week. The number of such artisans as shoemakers, carriage builders, masons, and carpenters customarily exceeded the demand for their goods and services.⁴⁸ The economic situation of the artisan, if not all urban workers, can be best described as follows: periods of prosperity brought underemployment; periods of corn crisis or other forms of recession heralded widespread unemployment.

The colonial guild system was one of the victims of the labor surplus. Since the guilds were increasingly unable to support large sectors of the artisans in the second half of the eighteenth century, a growing number of skilled workers began to exercise their trade freely outside the gremios. During the day, evening, and religious holidays, artisans illegally produced their goods in their homes which they then sold to merchants or to street peddlers. The markets, streets, and general stores were full of shoes, candles, gloves, shirts, and candy made clandestinely by the underemployed artisans. Even though the quality of these goods was inferior to those manufactured in the workshops, their lower prices made them especially popular.⁴⁹ The burgeoning rate of demographic growth in the final decades of colonial rule only served to accelerate the demise of the guild system as artisans from provincial cities and large villages swelled the already bloated ranks of Mexico City's skilled labor force.

Confronted with this excess of artisans, the majority of migrants went into semiskilled and non-skilled trades. As Table 35 indicates,

forty-nine per cent of all provincials gave their occupation as urban or rural laborers and farmers, and four per cent professed no job skills. Only forty-three per cent were artisans, but almost six out of every ten capitaleños possessed a skilled trade. Whereas thirty-four per cent of the latter group sought employment as day laborers or service workers, forty-seven per cent of the migrants found work in these low skilled occupations.

Several menial trades attracted the migrants more than others. Forty-eight per cent of all porters, sixty per cent of all domestics, sixty-one per cent of all street peddlers, seventy-five per cent of all garbage collectors, seventy-six per cent of all construction workers, and ninety per cent of all transport workers employed in the city had migrated from the provinces. Further analysis of migrant domestics and street peddlers reveals several intriguing traits about each position. Over one-half of the workers in both trades were under thirty. Whereas fifty-five per cent of the peddlers were Indians, only thirty-six per cent of all male domestics were natives. This disparity is explained by the disproportionate number of mulattoes working as domestics, particularly as coachmen (cocheros). More than seven out of ten peddlers were married, perhaps reflecting the importance of this position as a second job for financially oppressed husbands and fathers. Single men were more heavily represented as domestics, indicating perhaps that a live-in servant's position for the migrant substituted for the absence of family ties in the capital.

It is interesting to note that the majority (sixty-nine per cent) of the tobacco factory employees were from the capital. The factory may have lured people to Mexico City, but once there, relatively few

found employment in the huge complex. The tobacco factory served to absorb the unemployed and underemployed residents of the capital rather than the wandering peasant or artisan of the provinces. The factory was yet another mirage of prosperity for the migrant poor.⁵⁰

In terms of employment possibilities, the urban poor could select from several available options. One was to leave Mexico City. Antonio Dez, for example, an unemployed thirty year old married Spaniard from the capital, left the city for Pachuca.⁵¹ Another option was to locate either a non- or semiskilled job. A popular choice for those without any occupational skills was to serve as an intermediary for someone who wanted to sell some goods. Joaquín Palacios, a twenty-three year old single Spaniard, earned his living by hawking artisans' products. By keeping one real for each item sold, he could earn as much as seven reales in one day, an income comparable to that of a skilled worker.⁵² Women spun cotton in their homes. Although they exercised this trade outside the rigid boundaries of the guild system, they received the support of Viceroy Azanza who called it an "industry with which they (gente pobre) can honestly procure their livelihood."⁵³ For many of the maimed and deformed, vicereally approved freak shows represented their only means of support. Some, such as Francisco Monroy, even advertised their deformities in the newspaper as a way of attracting more of the curious to their performances. Born without arms, Monroy could, with the use of his toes, play guitar, shuffle cards, thread a needle, spin cotton, and "do another thousand things." Admission to freak shows was generally one real per person.⁵⁴

Revillagigedo lamented over the employment crisis in Mexico City, commenting to his successor that the city lacked "respectable trades"

for the lower classes.⁵⁵ What the Viceroy was referring to was a third option open to the urban poor: illegal forms of employment. Underemployment and unemployment, combined with low wages in the legal trades, forced many of the poor to work in several of the vices for which the city was well-known. Two of the illicit occupations pertain to illegal gambling houses and alcoholic beverages. For a second job, some men worked for two reales each evening as security guards in the gambling halls.⁵⁶ Other positions were available in such places. Since his salary as servant was inadequate to support a large family, Manuel Saenz, a twenty-eight year old mestizo, worked for one or two reales nightly as an errand boy for the gamblers. Laureano Villegas received similar wages for acting as doorman in a gambling hall, taking particular care to refuse entry to the police and beggars.⁵⁷ Due to the insatiable demand for alcoholic beverages, Mateo Tenorio, a forty year old married Indian from Mexico City, supplemented his income as a porter by selling pulque in the streets of the capital after the pulquerías closed at sunset.⁵⁸

In general, the urban poor earned insufficient wages. By the end of the colonial period, the average daily salary for artisans ranged from four reales to one peso, and for non-skilled and semiskilled laborers from two to four reales. Men and women workers in the tobacco factory earned wages comparable to those of semiskilled laborers, and women as independent domestics, such as seamstresses or laundresses, customarily earned one to one and one-half reales each day. Some trades paid daily wages in money and kind. Laborers at the municipal slaughterhouse, for example, received one and one-half reales in cash and one real's worth of meat.⁵⁹

Calculating from the cost of tortillas, chile, frijoles, as well as rent, clothing, and such miscellaneous household items as candles, I have estimated that the per capita subsistence income in Mexico City at the end of the eighteenth century was approximately three-quarters of a real daily or thirty-four pesos yearly.⁶⁰ The annual subsistence income for a family of five, the typical average family size according to one colonial account, was 170 pesos (Table 36). Table 37 lists the yearly incomes computed on daily earnings from one real to one peso. Two sets of projected incomes are presented. Full employment figures are based on the very unlikely possibility that the worker would find employment six days a week for fifty weeks. These incomes do not even reflect the more than eighty religious holidays when nonessential work in general was prohibited in the city. In short, full employment income represents the maximum any worker could earn. The underemployment figures are based on the more likely possibility of a three day work week for one year. I believe this column more accurately reflects the wage earnings of the lower classes, and consequently I will base the following analysis primarily on these calculations.

A comparison between annual incomes and bare subsistence levels stresses the inadequacy of wages for most of the urban poor. Full employment insured sufficient support for a family of five only for the worker with daily minimum earnings of at least five reales. Single men and widowers without children and other family could easily support themselves on all wages above one and one-half reales. Unmarried males, however, comprised only thirteen per cent of the working force and more than likely contributed to the maintenance of parents or siblings. The plight of the married worker with an average size family is evident.

Even if he earned one peso daily, he still lacked the yearly income necessary to support a family of five. The probable result was that male workers of all occupational levels needed to hold at least two, and maybe three, part-time legal or illegal jobs. The inability of the male to support an average size family tended to maximize the importance of the wife as an active wage earner. Survival in Mexico City meant that the family acted as a tightly knit economic unit. Even the children were expected to earn one real a day, either by picking rags or by running errands for commercial establishments. If the unmarried woman did not work as a cigarrera or live-in maid, she found it difficult to survive on her own. A widow with even one child was particularly hard pressed. Needing a yearly income of at least sixty-eight pesos, she would have to work virtually every day for one and one-half to two reales or periodically for a daily wage of three to four reales to adequately provide for herself and her child. Accumulation of surplus money among the urban poor was rare, with medical costs during epidemics and inflated corn prices during crop failures absorbing whatever money they had managed to save.⁶²

The full and partial nudity of the lower classes in Mexico City is one well documented indicator of the inadequacy of urban wages. Typical clothing for the "majority of the poor" consisted of filthy blankets and sheets or discarded rags. Shoes were a luxury as was underwear. Those who worked more steadily usually possessed a shirt and trousers or a long coarse dress.⁶³ During periods of economic slump, however, even these fortunate ones dressed in rags since they often pawned their good clothing for additional money.

With limited employment opportunities and depressed wages, the native and migrant poor in the capital often resorted to other forms of behavior to insure their survival. Begging represented a nonproductive form of economic activity popular in the city. Some people arrested for mendicancy even gave their occupation as beggar.⁶⁴ Thousands of beggars were seen daily seeking alms in the streets, churches, homes, plazas, and taverns. Viceroy Iturrigary reported in 1806 that the number of beggars in the capital had drastically increased in the two years he had been chief executive in the colony. Though proud to fulfill their Christian duty in helping the poor, the well-to-do were constantly "bothered and annoyed" by the "incessant requests" of the beggars.⁶⁵

Colonial authorities distinguished between types of beggars.⁶⁶ The "legitimate poor" were those who were honestly impeded in earning a livelihood owing to advanced age or physical infirmities, and consequently resorted to begging as a means of support. The "fake poor" were "vile and lazy people . . . who under the pretext of poverty live without any occupation" and who unjustly usurp the offerings to the poor legitimately in need.⁶⁷ Both types of beggars organized themselves into loosely structured groups for the purpose of defining both the territory allotted to each person and the tactics to be used. Beggars knew that certain deformities illicit different responses from passersby. Blindness or a grossly disfigured limb was bound to result in higher earnings for the beggar whether the infirmity was legitimate or not. Transmitted over generations, this knowledge created a hard core group of families dedicated to the occupation of begging.⁶⁸ For the sick, for the hustler, or for the unemployed or underemployed, begging was often the means to survival. In fact, one could earn more as a beggar than as a skilled

worker. According to the administrator of the poorhouse, any beggar was assured of at least several reales a day, and if one were energetic and imaginative, a daily take of one and one-half to four pesos was not uncommon.⁶⁹

The viceroys and other officials boasted about the relief the needy received from the citizens of the capital. Not only did convents, monasteries, and parish churches dole out "abundant" quantities of money and clothing, but wealthy individuals also formed soup kitchens in their homes from which they dispensed atole (corn mush) and tortillas.⁷⁰ The colonial government, however, did not neglect its responsibility to the poverty-stricken lower classes. In March 1774, the Hospicio de Pobres opened for the purpose of collecting "all the Poor of both sexes, the Aged, the sick, the destitute (sic) and the vagabonds who walk the streets begging."⁷¹ These poor, whether they entered voluntarily or by court order, were assigned an "honest occupation" commensurate with their age, sex, and health.⁷² Indigent artisans, for example, continued to produce their goods in the poorhouse in exchange for a daily wage roughly equivalent to prevailing guild wages in the capital.⁷³ Non-skilled laborers worked either as janitors or servants within the institution. Authorities also released inmates if an employer had promised a steady job.⁷⁴ Women spun cotton and wool, knitted socks, and washed the clothes and prepared the food for the Hospicio. Funds provided by a percentage of the Royal Lottery gross and by individual and corporate (e.g. Consulado) donations, however, never were sufficient to furnish the basic necessities for all the legitimate poor of Mexico City. Between 1774 and 1804, 24,819 men, women, and children received support from the Hospicio, representing an annual average of 827 inmates.⁷⁵ Compared to European

welfare institutions, the Mexican effort was minimal. To illustrate to the government the effectiveness of a well-funded poorhouse, the newspaper editor published an account of the Berlin charitable institution. The Prussian poorhouse in 1785 alone handled almost 12,000 indigents, and city authorities planned a larger building to house additional numbers of poor.⁷⁶ The Hospicio de Pobres did minimize the full impact of poverty on thousands of the destitute and handicapped, but incessant funding difficulties and a growing body of needy persons in the capital lessened its total effectiveness.

The pawning of one's belongings was an ingrained practice in urban lower class society. Without it, the viceroys maintained, the poor could not survive.⁷⁷ In times of general economic or individual crisis, the "poor and unhappy masses" pawned their clothing, furniture, dishes, tools, and other miscellaneous items in the Monte de Piedad or in the city's numerous pulperías (general stores), pulquerías, and vinaterías.⁷⁸ An indicator of the incidence of pawning among the urban poor is the 150,000 pawned goods found in the vinaterías during a city-wide search of the brandy taverns in the late 1760's.⁷⁹

The importance of pawning for the poor led several viceroys to strictly regulate the trade. Disturbed by merchants charging interest rates as high as sixty-six per cent to the person who redeemed the pawned merchandise, Viceroy Croix in 1769 ordered that all unclaimed pawned articles be auctioned publicly within thirty days. In this way, he hoped, the poor could purchase their original belongings at a reasonable price.⁸⁰ Twelve years later, Viceroy Mayorga limited the profit the merchant could make on the sale of unclaimed merchandise. From the public sale of the item, the merchant received both the principal and

the unspecified, but "very moderate" interest. Any money remaining was prorated among the owners of the goods. If they did not claim this money within six months, the magistrates or fieles executores (municipal officials governing minor commercial regulations) donated it to such charitable institutions as the poorhouse and the Indian hospital.⁸¹ In 1790, Revillagigedo fixed the maximum interest rate on pawned goods at sixteen per cent annually, but later raised it to twenty-five per cent since many merchants refused to accept any pawns due to the unprofitability of the trade. The Viceroy also facilitated the redemption of pawned merchandise by permitting the poor to pay only one-half of the loan in cash and the remainder in credit.⁸²

The plight of the poor in Mexico City in the closing decades of the colonial period did not improve with the overall upswing in the colonial economy. Their economic situation, in fact, worsened. As a result of growing population and subsequent labor surplus, wages in the eighteenth century remained fairly constant with a maximum increase of twenty-five per cent after the 1780's for some low skilled workers.⁸³ While wages were relatively immobile, corn prices rose throughout the century. From the 1721-27 to the 1793-1804 corn cycles, the price of corn increased fifty per cent, and from the 1721-27 to the 1805-14 cycles, it jumped 101 per cent (Table 22). Corn prices rose at a rate two to four times greater than working class wages, and corn crises reduced the poor's purchasing power to a greater extent. Even a twenty-five per cent increase in a laborer's salary was offset by a corresponding thirty-four per cent rise in corn prices after 1793. The eighteenth century is referred to as the century of economic recovery, but for

the urban poor, it represented a period of greater impoverishment. Amidst the growing wealth of the landowners, miners, and merchants, poverty was maintained and expanded in late colonial Mexico City.

NOTES

1. "Estado general de la población," AGN, Impresos Oficiales, vol. 51, exp. 48. According to the 1790 census, 32.7 per cent of the lower class working force over the age of fifteen possessed no specified trade.

2. AGN, Historia, vol. 75, exp. 7, fol. 16; D.A. Brading, Miners and Merchants in Bourbon Mexico, 1763-1810 (Cambridge, 1971), pp. 14, 28, 129-131.

3. Enrique Florescano, Precios del maíz y crisis agrícolas en México (1708-1810) (Mexico, 1969), pp. 112 and 141.

4. AJT, Penal, vol. 3 (1789), exps. 65-67.

5. Florescano, Precios, Chapter Nine.

6. The alhóndiga and pósito were two institutions designed to minimize the effects caused by the shortage and high corn prices. Officials of the pósito purchased corn after the harvest in order to offer it inexpensively to the poor in times of crisis. The alhóndiga existed as a central warehouse where all corn in the regions surrounding the city was bought and sold. The purpose of the alhóndiga was to control the price of corn by eliminating the middleman and speculation. There were seven pósitos and alhóndigas in late eighteenth century New Spain, all concentrated in urban centers: Mexico City, Puebla, Guadalajara, Zacatecas, Guanajuato, Tlalpujahua and Veracruz. Florescano, Precios, pp. 43-50 and 145.

7. An indicator of indebtedness among the small farmer is found in the criminal records of Mexico City. Of all the labradores who came before the capital's lower courts, seventy-five per cent were charged with debt.

8. One almud is roughly equivalent to one-quarter bushel U.S.A.

9. Florescano, Precios, pp. 145-148.

10. Instrucción reservada que el obispo-visor Juan de Ortega Montañés dio a su sucesor en el mando, el Conde de Moctezuma (Mexico, 1965), pp. 70-72.

11. AGJ, Penal, vol. 1 (1802), exp. 23.
12. Gibson, Aztecs, p. 311.
13. Instrucción...Revilla Gígedo, pp. 91-118.
14. AJT, Penal, vol. 6 (1796), exp. 47.
15. AGT, Penal, vol. 2 (1803), exp. 2.
16. "Informe sobre pulquerías," BAGN, 18, p. 231; Gazetas de México, January 25, 1791, p. 248.
17. AJT, Penal, vol. 7 (1797), exp. 16.
18. I did not include 1811 in the analysis of population growth since the increase in the number of inhabitants after 1810 was caused by disturbances in the countryside as a result of the Independence revolt.
19. For population and epidemic data, see Donald B. Cooper, Epidemic Disease in Mexico City, 1761-1813 (Austin, 1965), p. 186 note 1; Florescano, Precios, pp. 161-164 and 171; Humboldt, Political Essay, II, 85.
20. Manuel Orozco y Berra, Historia de la dominación española en México (4 vols.; Mexico, 1938), IV, 84-85; Andrés Cavo, Historia de México (Mexico, 1949), pp. 439-440.
21. The average annual corn price from 1742-1778 was 13.19 reales per fanega. From 1779-1790 it was 20.29 reales per fanega. Florescano, Precios, pp. 232-234.
22. Even if these figures are adjusted to include the number of deaths during epidemics, population growth after 1790 almost doubled the earlier rate. The adjusted annual rate of population increase from 1742-1789 was 1.2 per cent, with a 2.0 per cent rate after 1790.
23. Florescano, Precios, pp. 181-189.
24. As a result of out-migration and epidemics, the population of Mexico City by 1813 had dropped from 168,846 to 123,907, for a decrease of 26.6 per cent. See Cooper, Epidemic Disease, Chapter Seven.
25. Humboldt, Political Essay, I, 97-98.
26. See Chapter Four.
27. Consulta de Junta de Ciudadanos, January 16, 1786, AGN, Bandos, vol. 14, fols. 8-9v; Sedaño, Noticias de México, II, 3-4. With European demand increasing, the sugarcane industry experienced in the late 1780's and early 1790's a "large increment" in production. By 1793, 100,000 arrobas were exported. Instrucción...Revilla Gígedo, p. 101.

28. I make a distinction between large and small villages based on the complexity of village labor systems. Some of the more populous villages, such as Tulancingo and Cuautitlan, resembled nascent urban centers since they supported a myriad of skilled crafts. Less populous villages tended to be primarily agricultural in nature.

29. See comments by the archbishop of Valladolid, Gazetas de México, 1785-1786, passim.

30. Bando, Revillagigedo, August 21, 1793, AGN, Bandos, vol. 17, fol. 186v.

31. Humboldt, Political Essay, I, 235.

32. Calculation based on analysis of arrests made by guardafaroleros in 1796 and 1798. LR: C (1796); Libro de Reos. Corregidor, 1798 (hereafter cited as LR: C (1798)).

33. LR: C (1794), fol. 6v.

34. Approximately ninety families living in shacks resided in cuarteles mayores II and III. Ygnacio de Echegoyen to Pedro Valenzuela, AGN, Policía, vol. 20, fols. 39-39v; Jacinto Tesorel to Valenzuela, March 16, 1792, Ibid., fol. 68.

35. Joaquín de Mosquera y Figueroa to Branciforte, July 22, 1797, AGN, Historia, vol. 44, exp. 18, fol. 460v. Also see Juan de Ortega Cano Moctesuma to Gerónimo López de Peralta Villar y Villamil, September 19, 1791, Ibid., vol. 536, exp. 3.

36. Bando, Revillagigedo, December 31, 1791, AGN, Bandos, vol. 16, fol. 108.

37. Bando, Azanza, October 19, 1799, AGN, Bandos, vol. 20, fol. 145.

38. See Chapter One, Table 15.

39. AGJ, Penal, vol. 2 (1803), exp. 29.

40. More than seven per cent of all arrests involved cigarreros.

41. AGN, Ayuntamiento, vol. 211, exps. 3 and 8. See Revillagigedo's comments on the tobacco workers. Instrucción...Revilla Ggedo, p. 294.

42. Instrucción...Azanza, p. 87.

43. AGN, Historia, vol. 60, exp. 2, fol. 32.

44. Hipólito Villaroel, México por dentro y fuera bajo el gobierno de los vireyes. O sea enfermedades políticas que padece la capital de la Nueva España en casi todos los cuerpos de que se compone, y remedios que se deben aplicar para su curación (Mexico, 1831), pp. 69-71, 101-111, 115.

45. "Hospicio de Pobres: Ordenanzas para su gobierno," Bucarelli, July 12, 1777, AGN, Bandos, vol. 10, fols. 45-71v; Rodríguez de San Miguel, Pandectas, III, 540, 541 nota 7, 544-547.

46. Gazetas de México, September 26, 1786, p. 207.

47. LR: AO (1796), fol. 104.

48. Carrera Stampa, Los gremios mexicanos, p. 269.

49. Ibid., pp. 267-269.

50. I avoided any discussion in the text of migrants from Spain since only forty peninsulares were listed in the sources. As seen from this small sample, the typical peninsular migrant was a single male between twenty and forty who was from the province of Castile. Fifty-five per cent worked in positions involving some degree of education and status.

51. LR: AO (1796), fol. 103.

52. LR: AO (1807), fol. 24v.

53. Pando, Azanza, September 19, 1799, AGN, Bandos, vol. 20, fol. 141.

54. Gazetas de México, November 28, 1801, p. 376.

55. Instrucción...Revilla Gigedo, p. 34.

56. LR: AO (1796), fols. 124v-125.

57. AGJ, Penal, vol. 1 (1800), exp. 40.

58. LR: AB (1798), fol. 13.

59. LR: AO (1796), fol. 133; AJT, Penal, vol. 4 (1790), exp. 1; AGJ, Penal, vol. 1 (1802), exps. 20 and 34; vol. 2 (1803), exp. 12; vols. 4 (1806) and 5 (1811), exp. 2; AGN, Ayuntamiento, vol. 211, exp. 10; AGN, Historia, vol. 441, fols. 70-70v.

60. Echegoyen to Valenzuela, March 18, 1792, AGN, Policía, vol. 20, fols. 39-39v; Gazetas de México, July 25, 1786. The Gazetas published weekly prices of foodstuffs. The three-quarter real figure is one-half the official subsistence income level in the mid-nineteenth century. See Frederick John Shaw, Jr., "Poverty and Politics in Mexico City, 1824-1854" (Ph.D. dissertation, University of Florida, 1975), pp. 113-114.

61. Gazetas de México, July 25, 1786, pp. 157-158; See Cook and Borah, Essays in Population History, I, Chapter Three.

62. See Cooper, Epidemic Disease, for medical costs during epidemics.
63. Discurso del Prior del Consulado, José Vicente Olloqui, June 6, 1807, AGN, Civil, vol. 2126, exp. 2, fol. 5v; bando, Azanza, May 22, 1799, AGN, Bandos, vol. 20, fol. 112; Instrucción...Revilla Gigedo, pp. 57-58. Also see Martín, "La desnudez," pp. 261-294.
64. LR: AO (1796), fol. 93v; LR: C (1798), fol. 245.
65. Bando, Iturrigaray, June 25, 1806, AGN, Bandos, vol. 22, fol. 140.
66. Bando, Bernardo de Gálvez, April 10, 1786, AGN, Bandos, vol. 14, fols. 59-61v.
67. Bando, Iturrigaray, June 25, 1806, AGN, Bandos, vol. 22, fol. 140.
68. For comments on begging in preindustrial and Third World cities, see Gideon Sjoberg, The Preindustrial City (Glencoe, Ill., 1960), pp. 203-204, and Clinard, Sociology of Deviant Behavior, pp. 151-152.
69. Araujo to Iturrigaray, April 3, 1804, AGN, Historia, vol. 441, fols. 5-5v.
70. Corregidor Francisco Antonio Crespo to Viceroy Bucareli, June 16, 1778, AGN, Ayuntamiento, vol. 107, exp. 1, fols. 58-58v.
71. "Hospicio de Pobres: Ordenanzas para su gobierno," Bucareli, July 12, 1777, AGN, Bandos, vol. 10, fols. 46-48. The poorhouse also served as an orphanage.
72. Ibid., fols. 48-60.
73. See the case of Mariano Sagardo, a master artisan who was unable to secure steady employment as a tailor. Mariano Sagardo to Viceroy Garibay, May 26, 1809, AGN, Historia, vol. 441, fols. 70-71v.
74. Ygnacio de Castera to Revillagigedo, July 31, 1792, AGN, Policía, vol. 30, fols. 10-11.
75. Araujo to Iturrigaray, April 3, 1804, AGN, Historia, vol. 441, fols. 7-11v. Men accounted for fifty-five per cent of all inmates. For public funding of the Hospicio, see Beleña, Recopilación sumaria, I, 5th, CCCCXVI.
76. Gazetas de México, August 8, 1786, pp. 169-170.
77. See, for example, Viceroy Croix's comments in his bando of December 11, 1769. AGN, Bandos, vol. 7, no. 51.

78. To prevent the use of loans to "promote vices," Revillagigedo established a two peso limit on the value of pawned goods. Bando, May 4, 1790, AGN, Bandos, vol. 15, fol. 183. Also see bando, Mayorga, April 21, 1781, Ibid., vol. 11, fol. 297.

79. Instrucción...Croix, p. 74.

80. Bando, Croix, December 11, 1769, AGN, Bandos, vol. 7, no. 51.

81. Bando, Mayorga, April 21, 1781, Ibid., vol. 11, fol. 297.

82. Bandos, Revillagigedo, January 19, 1790 and May 4, 1790, Ibid., vol. 15, fols. 141 and 183.

83. Gibson, Aztecs, pp. 251-252. From the 1630's to the end of the colonial period, wages in Mexico City remained remarkably stable. Artisans such as masons and tailors earned six to eight reales daily in 1650 as well as in 1800. Gibson, Aztecs, p. 536 note 165,

TABLE 22
CYCLICAL CORN PRICES, 1721-1814

Corn Cycles	Average Annual Price (reales/fanega)	Change Over Previous Cycle (Per Cent)
1721-1727	9.00	--
1728-1736	10.00	11.1
1737-1744	10.00	0.0
1745-1754	10.04	0.4
1755-1765	8.66	-13.7
1766-1778	8.79	1.5
1779-1784	11.06	25.8
1785-1792	10.00	-9.6
1793-1804	13.46	34.6
1805-1814	18.10	34.5

Source: Enrique Florescano, Precios del maiz y crisis
agricolas en Mexico (1708-1810) (Mexico, 1969),
p. 181.

TABLE 23
AVERAGE ANNUAL CORN PRICE, 1721-1811

Years	Average Annual Price (reales/fanega)	Change Over Previous Period (Per Cent)
1721-1741	13.00	--
1742-1778	13.19	1.5
1779-1790	20.29	53.8
1791-1810	21.03	3.7
1811	32.12	52.7

Source: Adapted from Florescano, Precios, pp. 232-235.

TABLE 24
POPULATION OF MEXICO CITY, 1742-1811

Year	Population
1742	98,000
1790	112,926
1803	137,000
1810	150,000
1811	168,846

Source: Florescano, Precios, p. 171.

TABLE 25
MEXICO CITY POPULATION GROWTH AND
CORN PRICES, 1742-1811
(PER CENT)

Year	Population Growth Rate		Corn Price Increase	
	Cumulative	Annual	Cumulative	Annual
1742-1810	53.1	0.8	101.1	1.5
1742-1790	14.3	0.3	0.0	0.0
1790-1803	22.3	1.7	34.6	2.7
1803-1810	9.5	1.4	34.4	4.9
1810-1811	12.6	12.6	32.1	32.1

Source: Tables 22, 23 and 24.

TABLE 26
AGE OF MIGRANTS

Age	Per Cent
Under 20	9
20-29	40
30-39	24
40-49	11
50-59	4
60 and over	12
Total cases 2,898	

TABLE 27
AGE OF MIGRANTS BY SEX
(PER CENT)

Age	Male	Female
Under 20	8	13
20-29	38	45
30-39	24	25
40-49	12	9
50-59	4	3
60 and over	14	5
Total cases		2,898

TABLE 28
MARITAL STATUS OF MIGRANTS BY SEX
(PER CENT)

Marital Status	Male	Female
Single	36	38
Married	57	33
Widowed	7	29
Total cases		2,609

TABLE 29
MARITAL STATUS OF MIGRANTS

Marital Status	Per Cent
Single	36
Married	51
Widowed	13
Total cases	2,609

TABLE 30
RACE OF MIGRANTS

Race	Per Cent
Spanish	31
Indian	47
Mestizo	18
Mulatto	4
Total cases	2,890

TABLE 31
STATE ORIGIN OF MIGRANTS

State	Per Cent
Norico	26.3
Puebla	16.4
Hidalgo	15.3
Distrito Federal	11.8
Queretaro	6.2
Guanajuato	4.1
Michoacan	3.9
Oaxaca	3.5
Veracruz	2.9
Tlaxcala	2.5
Jalisco	2.3
Guerrero	1.3
Morelos	1.1
San Luis Potosi	0.6
Durango	0.5
Zacatecas	0.4
Chihuahua	0.3
Aguascalientes	0.3
Huevo Leon	0.1
Others	0.2
Total cases	2,346

TABLE 32
STATE ORIGIN OF MIGRANTS BY RACE
(PER CENT)

State	Spanish	Indian	Mestizo	Mulatto
Aguascalientes	0.4	0.0	0.2	2.9
Chihuahua	0.4	0.2	0.2	1.9
Distrito Federal	4.9	18.5	8.9	0.9
Durango	0.9	0.3	0.2	0.0
Guanajuato	6.4	3.0	3.7	5.7
Guerrero	1.7	1.7	0.6	0.0
Hidalgo	13.7	15.3	20.1	11.4
Jalisco	3.4	2.4	0.8	4.8
Mexico	24.3	29.5	23.1	11.4
Michoacan	5.6	2.6	4.1	10.5
Morelos	0.8	0.7	2.2	0.9
Nuevo Leon	0.1	0.0	0.0	0.9
Oaxaca	1.7	5.2	2.0	5.7
Puebla	21.8	9.5	20.9	24.8
Queretaro	6.7	5.5	6.9	5.7
San Luis Potosi	0.2	0.8	1.0	0.0
Tlaxcala	2.7	2.6	2.9	1.0
Veracruz	3.2	1.9	1.8	10.5
Zacatecas	0.9	0.2	0.4	1.0
Others	0.2	0.1	0.0	0.0
Total cases 2,706				

TABLE 33
MUNICIPAL ORIGIN OF MIGRANTS

Municipality	State	Per Cent
Puebla	Puebla	11.3
Queretaro	Queretaro	4.1
Toluca	Mexico	4.1
Texcoco	Mexico	2.5
Cuautitlan	Mexico	2.5
Guanajuato	Guanajuato	2.4
Tulancingo	Hidalgo	2.3
Real del Monte	Hidalgo	2.3
Valladolid	Michoacan	2.1
Tacubaya	D.F.	1.9
Tlaxcala	Tlaxcala	1.7
Chalco	Mexico	1.6
San Angel	D.F.	1.5
Xochimilco	D.F.	1.5
Pachuca	Hidalgo	1.4
Oaxaca	Oaxaca	1.4
Otumba	Mexico	1.4
Azcapotzalco	D.F.	1.3
Topozotlan	Mexico	1.2
Others		51.5
Total cases 2,481		

TABLE 34
 URBAN-RURAL ORIGIN OF MEXICANS BY RACE
 (PER CENT)

Municipality	Spanish	Indian	Mestizo	Mulatto
Cuautitlan	3.1	2.5	2.0	1.0
Cuernavaca	0.6	0.4	1.2	1.0
Guadalajara	2.1	0.2	0.2	4.8
Guanajuato	3.9	1.5	2.2	2.9
Jalapa	1.3	0.6	0.4	4.8
Lerma	0.8	0.8	0.2	0.0
Oaxaca	1.3	1.6	1.2	2.9
Pachuca	2.3	1.1	1.4	1.9
Puebla	18.4	4.1	17.2	20.0
Queretaro	4.9	3.6	4.5	5.7
Real del Monte	3.4	1.6	3.2	1.9
San Juan del Rio	1.6	0.6	2.2	0.0
Sultepec	1.3	0.6	0.0	0.0
Texcoco	2.0	3.7	2.4	0.0
Tlaxcala	1.9	1.9	1.4	0.0
Toluca	6.8	3.1	2.2	2.9
Tulancingo	1.8	1.7	4.2	1.8
Valladolid	3.4	1.4	2.2	8.6
Veracruz	0.4	0.0	0.2	1.8
Zacatecas	0.8	0.0	0.2	1.0
Total	62.1	31.0	48.8	63.0
Total cases 2,706				

TABLE 35
OCCUPATIONAL DISTRIBUTION OF
CAPITALENOS AND MIGRANTS
(PER CENT)

Occupation	Capitalenos	Migrants
Artisan	59	43
Day laborer	24	28
Service worker	10	16
Rural laborer	* ^a	5
No trade	3	4
Other	4	4
Total cases	4,469	

^aLess than one per cent.

TABLE 36
ESTIMATED ANNUAL SUBSISTENCE
INCOME LEVELS

Number of Persons	Estimated Annual Income (In Posos)
1	\$34
2	\$68
3	\$102
4	\$136
5	\$170
6	\$204

Source: Chapter Two, note 60.

TABLE 37
DAILY WAGES AND ANNUAL INCOME

Daily Wage (In Reales)	Annual Income (In Pesos)	
	Underemployment	Full Employment
1	\$20	\$39
1.5	\$29	\$58
2	\$39	\$78
3	\$59	\$117
4	\$78	\$156
5	\$98	\$195
6	\$117	\$234
7	\$137	\$273
8 (1 Peso)	\$156	\$312

Source: Chapter Two, note 59.

CHAPTER THREE PROPERTY CRIMES

With wages insufficient to support an average size family above the subsistence level, many of the poor of Mexico City attempted to survive by committing property crimes. Through an analysis of the *Libros de Reos*, I will examine four types of property offenses, theft, sale of stolen merchandise, gambling, and debt, which in 1798 accounted for almost seventeen per cent of the total number of arrests in the capital.¹ A more detailed discussion of gambling and theft will follow.

Reflecting their role as head of household, men were excessively represented in property crimes (Table 38). Women comprised only sixteen per cent of the property offenders. As seen in Table 39, male-female ratios differ slightly when each crime is examined separately. Theft and particularly gambling and debt were male-oriented offenses while women were involved in a higher percentage of cases involving the sale of stolen merchandise.

Spaniards and Indians accounted for seventy-six per cent of all the arrests for property crimes. Overall, as Table 40 shows, more Spaniards were apprehended, but proportionately, they committed fewer property offenses than castas and particularly Indians. Participation in property offenses altered with the specific crime (Tables 41 and 42). The inferior social and economic status of Indians is indicated by their involvement in robberies. Representing twenty-eight per cent of the city's population, they committed almost one-half of the thefts in the

capital. Furthermore, over seventy per cent of all Indians arrested for property crimes were charged with theft. Spaniards, underrepresented in robbery and in the sale of stolen merchandise, were overrepresented in gambling and in debt as six out of ten Spaniards were arrested for the two latter offenses. Mestizos closely paralleled Spanish behavior while mulattoes were involved in a higher percentage of robberies and particularly gambling activities. The few mulattoes arrested for debt perhaps indicates their difficulty in obtaining credit from reliable sources.

Property crimes were evenly distributed throughout all age brackets, as Table 43 illustrates, but they tended to concentrate more heavily in the twenty to twenty-nine age bracket. Different age groups adopted distinct forms of behavior (Table 44). Theft, for example, was generally a crime of the young. Sixty per cent of all persons arrested for theft were under thirty although this group comprised fifty-two per cent of the city's population. Table 45 confirms this propensity for theft among young offenders: seventy per cent of those under twenty and fifty-seven per cent of those between twenty and twenty-nine were charged with robbery. While the incidence of theft decreased sharply with age, the rate of debt and gambling increased. Of all offenders fifty and over, more were arrested for gambling than for theft, and gambling and theft together comprised sixty-two per cent of all the arrests.

The inadequacy of wages to support a family is reflected in the overrepresentation of married persons, both male and female, arrested for property crimes (Table 46). Almost sixty per cent of the property offenders were married while married persons comprised fifty-three per cent of Mexico City's population. Single offenders were slightly

overrepresented in property offenses, but widows were heavily underrepresented. Perhaps the figures suggest that single persons found it difficult to support themselves since they still contributed to the maintenance of the nuclear and extended family. Or perhaps they consumed their surplus wages in the city's numerous taverns. Although married offenders committed a greater percentage of each of the four crimes, their arrest rate was exceedingly high in gambling, debt, and in the sale of stolen goods (Table 47). Theft was a crime committed by single persons. Comprising twenty-eight per cent of the city's population, they were involved in thirty-nine per cent of the thefts. Moreover, slightly more than two out of three single persons apprehended for property crimes were charged with theft. Controlling for sex, married women had higher robbery rates than married men while the latter overwhelmingly predominated in gambling and debt offenses.

The commonly accepted assumption that low skilled workers in any given society commit a majority of the property crimes is not applicable to late colonial Mexico City. As shown in Table 48, artisans were overrepresented in property crimes. Comprising forty per cent of the city's labor force, they were involved in fifty-three per cent of the arrests. Low skilled workers, merchants, and other occupational groups were underrepresented in the four major property offenses.

The overrepresentation of artisans resulted from excessively high arrest rates in gambling and debt, reflecting perhaps that artisans were deeply in debt to their maestros (guild masters) and that higher wages provided a steady supply of gambling money. Skilled workers accounted for three-quarters of all arrests for gambling and almost one-half of all debt cases (Table 49). Table 50 shows that these two

offenses combined represented fifty-seven per cent of all arrests of artisans while only forty-two per cent of all skilled workers arrested for property crimes were charged with theft. Certain craftsmen were notorious for their gambling activities. Workers from only seven of the principal thirty-four guilds (masons, tailors, bakers, carpenters, shoemakers, weavers, and blacksmiths) accounted for more than two-thirds of all artisans apprehended for gambling. Debt cases, however, were distributed fairly evenly throughout all gremios.

Numerically and proportionately, low skilled workers engaged in theft and in the sale of stolen merchandise more often than skilled laborers (Table 49). This is further indicated when all arrests involving low skilled workers are compared. As Table 50 illustrates, of all low skilled laborers arrested, more than three out of every five were charged with theft. Petty theft was especially prevalent in certain menial occupational groups. Domestics, porters, and street peddlers alone accounted for fifty-six per cent of the arrests. The extreme underrepresentation of low skilled laborers in gambling cases (nineteen per cent of arrests and forty-three per cent working force) perhaps indicates their inability to consistently earn sufficient salaries to wager in gambling contests. Certain low skilled workers gambled excessively, however. Because of steadier incomes, workers at the tobacco factory accounted for most of the gambling arrests of low skilled workers, and of all the occupational groups in the city, the cigarreros were arrested for gambling twice as often as the next group (weavers). Tobacco workers may have worked more consistently than other skilled and low skilled workers, but they also gambled it away more frequently. For low skilled workers, as for artisans, debt was a serious problem,

and debt cases were spread evenly throughout all sectors of the low skilled labor force.

The police arrested relatively few workers from outside the skilled and low skilled trades, but the patterns indicated in Table 49 reflect the involvement of other occupational groups in property crimes. Merchants were overrepresented in the sale of stolen property and particularly debt, and supervisory personnel and educated workers, such as scribes and doctors, were slightly underrepresented in gambling and debt.

Migrants posed a problem for the colonial authorities in property crimes. Although a majority of property offenders were natives of Mexico City, the migrants, accounting for thirty-nine per cent of all the arrests in the city from 1795 to 1807, represented forty-six per cent of the arrests in property crimes (Table 51). The disorder caused by the provincials is more readily seen in Tables 52 and 53. In cases of theft, the police apprehended more migrants than capitaleños. Moreover, almost three out of five migrants arrested for property crimes were charged with robbery. Of all capitaleños arrested for property offenses, only one-half faced similar charges.

Table 54 offers greater insight into the provincial origins of migrant property offenders. Numerically, more came from the seven twentieth century jurisdictions which surround the capital, but proportionately, migrants from areas outside this periphery committed a higher rate of property crimes. While twenty-one per cent of the city's migrant population came from regions of the colony outside the periphery, they accounted for twenty-nine per cent of the arrests. In thefts, migrants from these distant regions were slightly overrepresented, and in debt cases, they had excessively high arrest rates. The high

incidence of theft and debt among the migrants is an indicator of their fragile economic situation. Frustrated in their long trek to find a secure livelihood, migrants, especially those outside the periphery, resorted to petty theft and/or fell deeply into debt in numbers disproportionate to their presence in the population. As seen in their employment in lower skilled positions and in their participation in property crimes, the migrants found no haven in Mexico City.

With real income declining in the late colonial period, the urban poor often resorted to petty theft and gambling as a means to support themselves and their families. As evidenced in the preceding discussion of the arrest records, distinct types of individuals turned to these two forms of criminal behavior. Both the gambler and the petty thief were primarily male, but while the former tended to be older, married, Spanish, skilled in a craft, and native to Mexico City, the thief tended to be younger, single, Indian, unskilled or semiskilled, and a native to the provinces. As a result of an economically hostile environment, the lower classes regarded these offenses as accepted, if not legitimate patterns of behavior. The colonial authorities did not attribute petty theft and gambling to economic factors. Such criminal behavior, they contended, indicated a moral defect.²

Mexico City was a gambler's paradise. To a limited extent, royal and viceregal authorities permitted some forms of gambling. In 1746, for example, King Ferdinand VI legalized cockfighting as long as the bets placed were moderate and "sufficient to interest the attention of the persons gathered." Betting in other games, such as pool, checkers, chess, and certain card matches, was also tolerated if the size of the stakes remained "small and prudent."³ Viceroy Bucareli in 1773 fixed

the maximum wager during any one game at one real or at a total of ten pesos in one day.⁴

For the crown and the viceroys, the habitual and risk-taking gamblers threatened the social order. Games of chance which yielded potentially "unjust winnings" were outlawed. Albures, Monte, Porrazo, Malilla, Quince, Veintiuno, Treinta y uno, Flor and dice were a few of the illegal games in which excessive betting was the rule, and it was in such games that the poor hoped to enhance their earnings.⁵

As a gambler's paradise, Mexico City possessed various types of legal and illegal gambling houses spread throughout all sections of the city.⁶ One such place was the legal pool hall (truco y villar). Located mainly in the center of the city, the forty-nine trucos handled a brisk trade.⁷ Customers could not only shoot pool until the ten o'clock evening curfew, but could play chess, checkers, and dominos as well.⁸ Among the poor, however, the pool hall was better known as a gambling parlor. At all hours of the working day, one could enter a truco to find groups of men betting heavily in one of the illegal card games.⁹ Gambling became a popular activity in the trucos because the owners and managers had a vested interest in it. Since too few people wanted to play pool and enjoy other forms of legal diversion, many owners permitted gambling on the premises in return for a fee from the gamblers. In addition, some gave one or two reales for pawned items so the customers would have sufficient gambling money. Managers often loaned their own money at high interest rates to those who intended to shoot pool or gamble. All owners and managers arrested for allowing gambling in their pool halls told the magistrates that they tolerated and encouraged it only because of the "poverty from which they suffer."¹⁰

Hundreds of illegal casas de juego, or gambling parlors, supplemented the number of trucos in the capital.¹¹ Generally located in a private home or rented apartment, the casas were more highly specialized in clientele and gambling activities than were the pool halls. Some casas admitted only Spaniards, others permitted entry of all races, and others catered to certain occupational groups, such as domestics, tobacco workers, or silversmiths. The illegal gambling parlors also specialized in the type of game played, and gamblers who wanted to play only Albures or Monte, for example, knew exactly where to go. Finally, some of the casas promoted heavy betting and greater risk while some set limits on the size of the wagers so all the players "could have some fun." The gambling parlors also functioned as one of the neighborhood meeting places where dancing, drinking, and sex provided much of the community's needs.¹²

The disastrous employment situation in Mexico City made ownership of an illegal gambling hall a profitable business. Unable to provide for his family on his wages as a barber, José Grajales supplemented his income by permitting gambling in his home in return for a contribution from each of the players.¹³ Divorced women, such as Barbara Rodríguez and María Jiménez, also resorted to this practice since they were incapable of supporting themselves in other ways.¹⁴

The city's almost 600 vinaterías served as popular, albeit illegal, places of gambling.¹⁵ The larger taverns even contained a concealed room just for the gamblers.¹⁶ Like the owners and managers of the trucos, the vinateros promoted the games and supervised the betting. As a means of expanding business, owners distributed playing cards to whomever wanted to gamble in the back room. In addition, it was common for them

to safeguard any excessive wager, but instead of returning the money to the winner, they gave him an equivalent amount of *aguardiente*.¹⁷ Through gambling, the *vinatero* increased the consumption of alcohol in his tavern.

The over one thousand *trucos y villares*, *casas de juego*, and *vina-terfas* could not completely satisfy the demand for gambling in the capital. Other places served as gambling haunts for the urban poor. A stroll through Mexico City would uncover groups of men gambling on the roofs of apartment buildings as well as in the markets and *pulquerías*. Workers in the *obrajes* and artisans in the workshops would be seen betting their daily wages. Restaurant and lodging house owners would scurry inside their establishments to warn the gamblers of an approaching police patrol.¹⁸ In Mexico City, one could gamble at any time, at any place, and at any price.

The widespread popularity of gambling is closely related to the reasons why people gambled. The courts distinguished among three types of gamblers: those who tried to supplement their salaries, those who earned a livelihood from card playing, and those who gambled just for entertainment.¹⁹ Unemployment, underemployment, and low wages were responsible for the existence of the first two types. Feeling relatively powerless to alter their life situations, the urban poor thought of survival more in terms of chance and luck rather than in effort and planning. For the fortunate, winnings could be high. An artisan, for example, could augment his daily salary by as much as forty to sixty times on any given night.²⁰ That he could forfeit his earnings did not matter in the face of such potential winnings. Impelled by such delusion, thousands of the urban poor, unable to provide for the bare necessities in life with just their wages, flocked to the gambling halls and taverns.

Juan Baptista, an unemployed coachman, pawned some personal belongings for betting money in the hopes of winning needed money for his starving family. Why use the loan money for food, he claimed, when, with the help of luck, he could convert it into large sums of cash?²¹ Echoing the sentiments of other artisans, Modesto Palacios complained to the judge that his salary of four reales as a silversmith was not sufficient to support his growing family, and that he decided to at least double it by wagering an entire day's earnings on one hand of cards.²²

The eighteenth century viceroys directed much of their criticism toward those who gambled as a form of occupation. They perceived the professional gamblers as lazy persons whose "depraved customs" led them to a nonproductive life.²³ Jacinto Espinel, an Indian from the Cuernavaca region, was a typical jugador de profesión. "Addicted" to gambling, Espinel left his village in search of greater winnings in Mexico City. Once there, he accumulated gambling money either through temporary work as a cargador or domestic, or through theft. Whenever he had amassed enough capital, he would spend, depending on his luck, one day to one week in the trucos and casas de juego. As his reputation grew as a professional gambler, he abandoned the city each evening to take refuge with fellow gamblers in the ravines located to the southwest. At day-break, Espinel and the rest would leave their hideouts and converge once again on the city and surrounding villages.²⁴

For some, gambling was also popular merely for the entertainment it provided. The Spanish monarchs and the colonial viceroys tolerated certain games and limited betting since such legal games as pool and chess, they believed, served as a form of relaxation and recreation which afterwards allowed "(a man) to dedicate himself with greater vigor"

to his work.²⁵ The professional and clerical workers arrested for gambling considered it a form of "legitimate diversion" which did not merit punishment.²⁶ Gambling was widespread throughout the educated and upper levels of the population in the capital. Arrests for gambling included subdelegates of partidos (minor provincial administrative districts), lawyers, royal attorneys, Audiencia scribes, treasury officials, and secular and regular clergymen. Despite the social and economic status of these offenders, the courts did not condone even recreational gambling involving excessive wagers. The magistrates confiscated all bets and imposed the maximum fifty peso fine on all those arrested who did not claim military or ecclesiastical privilege.²⁷

The royal and viceregal governments were greatly concerned over the "pernicious" effects of illegal gambling. Assaults and homicides deriving from the payment or loss of a gambling debt was one of the leading causes of interpersonal violence among the urban poor. For many, a loss of even one real was sufficient motive to attack the winner. Gambling also gave rise to critical work-related problems, especially among artisans. To acquire gambling money, for example, some skilled workers stole from their maestros. Apprentices refused to learn their trades, preferring instead to gamble with other boys in the streets. At times artisan workshops were vacant as all the workers were in the nearest tavern gambling their wages and clothing.²⁸

Aware of the negative consequences of gambling, the colonial and royal authorities adopted a typically ambivalent attitude. On one hand, they denounced the vice of gambling while on the other, they approved of it if done in moderation. In addition to its recreational value, some gambling was legalized because of its revenue-raising capability.

The royal monopoly on the manufacture and sale of playing cards produced considerable sums of revenue. From 1765 to 1785, the royal treasury collected from the Renta de Naipes 2.2 million pesos for an annual sum of 110,000 pesos. Small in comparison to the revenue generated by the pulque and sales taxes, the playing card monopoly was lucrative enough to merit its continuance.²⁹

Despite the crown's stake in the card monopoly, numerous government decrees attest to the desire to reduce, if not eliminate, excessive gambling. Laws promulgated between 1529 and 1770 generally condemned illegal gambling, permitted certain limited games, and prohibited any ranking judicial official, such as an oidor (Audiencia magistrate), from participating in any form of gambling.³⁰ One royal order derived from the crown's interest in defining the boundaries of *fuero militar*. Asserting that military judicial privilege undermined the effectiveness of the law, Charles III in 1768 denied *fuero* to the military in cases of illegal gambling and ordered that military personnel be tried in the civil courts of the colony.³¹ Nevertheless, civil magistrates by the 1790's customarily sent soldiers apprehended for gambling to the military tribunals.³²

In 1773, Viceroy Bucareli instituted a series of measures designed to restrict the excessive gambling habits of the poor. The Viceroy realized that previous legislation was ineffective primarily because of its vague nature and absence of strict punishment. As a result, he listed harsh penalties and carefully prescribed the distinction between legal and illegal games. Whereas punishment for gambling was formerly left to the discretion of the judge, Bucareli insisted that the magistrates impose the codified sentences. Persons of noble status and

soldiers, for example, were to pay a 200 peso fine for the initial offense, double for the second, and five years of hard labor in an overseas presidio (military fortification) for the fourth offense. Persons of "lesser condition employed in some trade or honest occupation" were fined, depending on the recidivist rate, from fifty to one hundred pesos, and for the fourth offense, they, too, were sent to a military outpost for five years. Owners of *trucos* who permitted gambling in their establishments and owners of *casas de juego* received similar penalties commensurate with their social status. Professional gamblers and vagrants were to be sentenced for the first offense to a *presidio* for five years.³³

Bucareli's bando established the guidelines for all subsequent legislation on gambling and remained the law of the land through the mid-nineteenth century. Since its measures were often "quite forgotten," other viceroys reissued the decree on four occasions between 1784 and 1809.³⁴ Only Revillagigedo modified it in order to eliminate loopholes and to insure stricter enforcement. For example, the Viceroy in 1790 outlawed new illegal card games such as *Monte* which gamblers, attempting to circumvent the 1773 *bando*, devised after Bucareli's decree went into effect. In all, Revillagigedo appended eighteen articles to the law. He required all cases of gambling to be reported to the viceroy and prohibited judges from moderating the prescribed fines. He also included within the law persons called mirones, or onlookers, although the sentences for such offenders were less severe. The most significant reform pertained to court procedure. All cases involving recidivists, professional gamblers, or vagrants were to be handled formally by the courts. He also abolished the custom of releasing the offenders after

payment of the fine and instituted the practice of retaining them in jail for additional time.³⁵ Although the lower courts may have applied these measures temporarily, the municipal judges by the mid-1790's completely disregarded them.³⁶

The widespread popularity of gambling throughout all social classes, but particularly the urban poor, made the laws difficult to enforce. In addition to its popularity was the function gambling performed for the players and the owners and overseers of the legal and illegal gambling parlors. Illegal gambling was an integral part of daily life in Mexico City.

Theft represented another response to the hostile economic environment confronting the urban poor. Owing to marginal resources, many of the poor resorted to theft either temporarily or, in some cases, permanently in order to maintain themselves above the subsistence level. The collective poverty of the capital's poor meant that life for them was characterized by a permanent insufficiency of material goods. And with a decline in the purchasing power of their wages throughout the eighteenth and early nineteenth centuries, the resources at their disposal became even scarcer.

Most of the urban poor stole out of necessity. Economic need, however, is brought about by various factors. Historians have assumed that one such factor, perhaps the most important, is the price of the staple in the diet of the lower classes. In Mexico, corn in the form of tortillas and atole was "the food of first necessity for the poor."³⁷ Citing criminal statistics of the Acordada, Florescano demonstrated that as the price of corn rose throughout New Spain in the eighteenth century so did the rates of property and other crimes.³⁸ But does the

same claim apply to Mexico City in particular? Figures 2-5 portray the relationship between theft rates and corn prices in the capital for four different years.³⁹ With the exception of the last third of 1798, no strong correlation existed between the two variables. In 1795, in fact, the rate of robberies almost doubled while corn prices fell by more than twenty-five per cent. In the following year, prices gradually declined, but the theft rate fluctuated violently. The two peaks of robberies occurred in months when the price of corn was slightly lower than the annual high. Although in 1800 there were more arrests for theft in the month registering the maximum corn price, robberies decreased afterwards despite continued high prices. In only eleven of a possible twenty-eight months did robbery rates follow the movement of corn prices. That is, theft rates correlated positively with prices in only thirty-nine per cent of the months. In Mexico City, the price of corn was not the determining factor in the incidence of robbery.

Other factors must be examined in order to fully comprehend the reasons why the poor resorted to theft. One way to approach this is to construct robbery rates according to the offender's place of origin. Figure 6 diagrams the theft rates in 1796 and 1798 for natives of the capital, and Figure 7 depicts the theft rates in similar years for migrants.

The importance of corn prices on the behavior of the *capitales* was minimal. While the robbery rate paralleled corn prices in the latter part of 1798, the crime rate in 1796 jumped in months of steady and declining prices. The critical question is how to account for the decrease in thefts from January to May or June in both years and for the following surge in the summer months. More consequential than corn

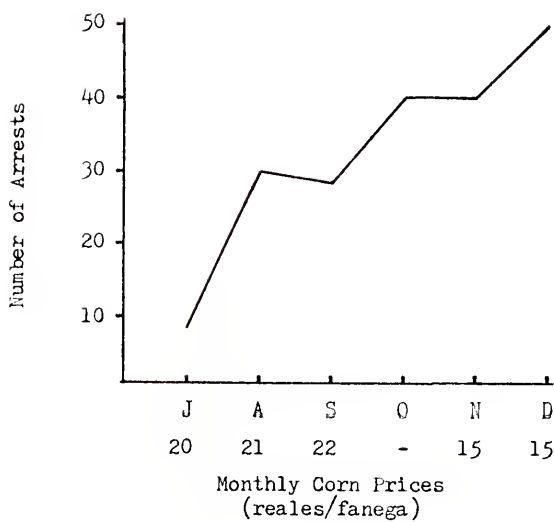


Figure 2. Arrests for theft and monthly corn prices, 1795

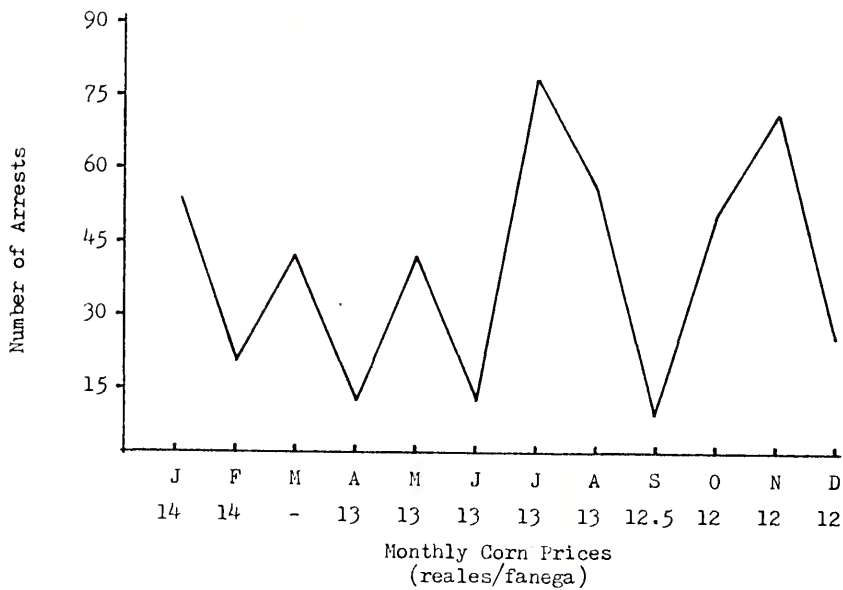


Figure 3. Arrests for theft and monthly corn prices, 1796

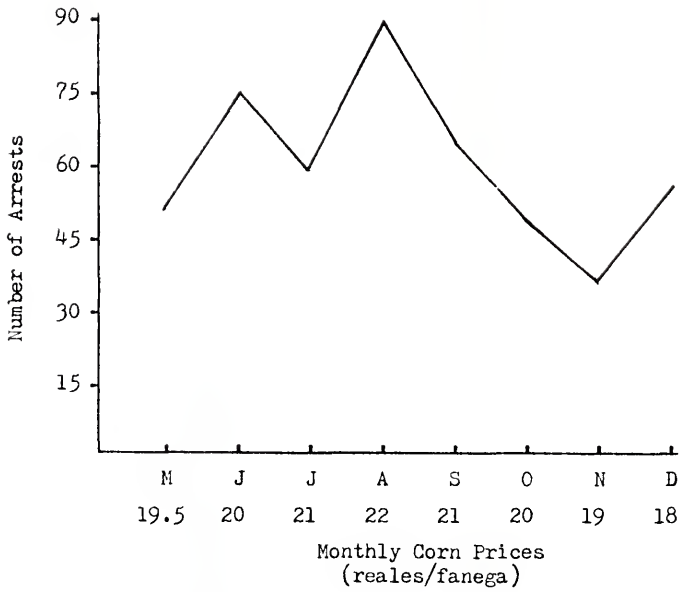


Figure 4. Arrests for theft and monthly corn prices, 1798

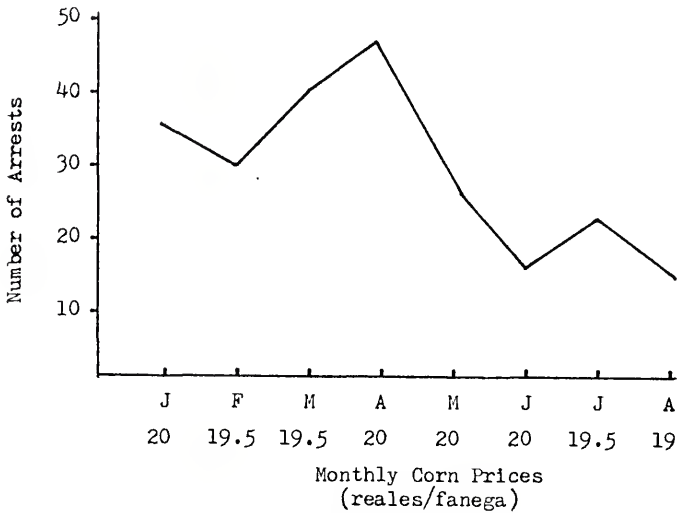


Figure 5. Arrests for theft and monthly corn prices, 1800

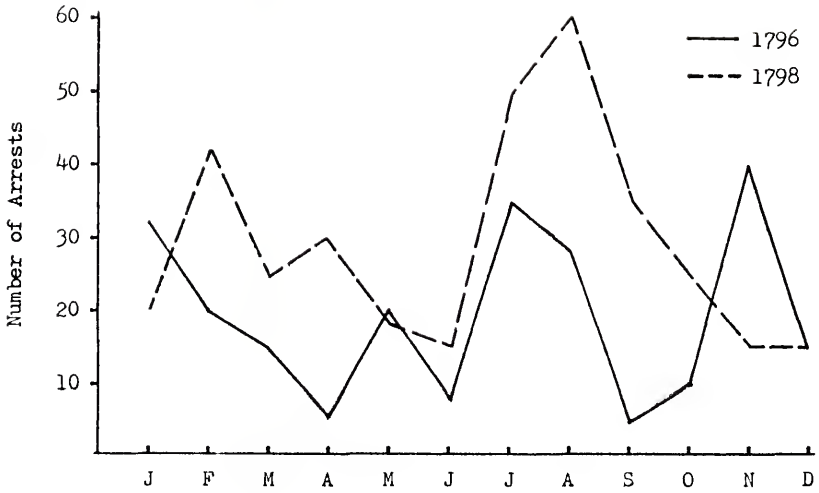


Figure 6. Monthly arrests for theft, 1796 and 1798: Capitaleños

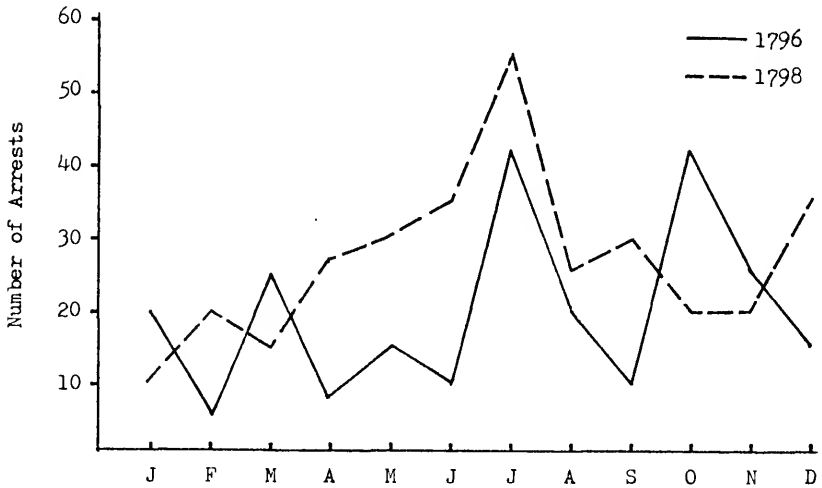


Figure 7. Monthly arrests for theft, 1796 and 1798: Migrants

prices was the surplus corn the urban poor accumulated after the November-December harvest. Thousands of pegujales, small corn plots distributed in and around the city, provided the poor with enough corn to last until May or June. The available corn surplus at the poor's disposal kept theft rates low in the first half of each year, but the incidence of theft jumped in the summer months when, with the exhaustion of the supply, the need to feed one's family assumed critical proportions. Corn supply to the city began to increase in late summer as the large corn producers, such as the hacendados from the Chalco region, sold their stored harvests with increasing frequency. The rise in the number of robberies in November, 1796 is more difficult to determine. Perhaps it was the result of a depletion of money supply for the poor just before the November harvest.⁴⁰

Factors peculiar to the countryside can best explain the robbery rate among migrants.⁴¹ Again, corn prices were not a factor. In 1796, prices declined while the theft rate rose. In 1798, the number of arrests peaked at mid-year while prices did not reach their maximum until two months later. How do we explain this rise in robberies in 1796 and 1798 at mid-year? In the countryside, May was the critical month for small farmers. By then, with weather patterns clearly understood, they knew whether the crops would fail or prosper. If a harvest was doubtful, farmers, artisans, laborers, and other provincial workers would journey to Mexico City for fear of the impending food crisis. With this influx from the provinces, the number of robberies rose in the late spring and early summer months as initially many were forced to support themselves by theft. And it must be remembered that the percentage of robberies committed by the migrants was disproportionate to

their presence in the city's population. After a mid-year surge, theft rates dropped as more migrants found some type, albeit limited, of legal or illegal employment. As for the urban poor, May and June were the critical months for the provincial poor.

Much of the preceding discussion on the causes of theft is purely conjectural, but it does indicate that many factors are involved in the explanation of robbery rates. It is too simplistic to attribute theft solely, or even primarily, to the price of corn. A series of interrelated factors affected the robbery rate: corn prices, corn reserves of the urban poor, and immigration into the city resulting from spring crop failures. Another significant factor was the employment situation in the capital, for the need to support oneself through theft depended, more often than not, on the availability and types of jobs. Even the crown implicitly recognized the relationship between unemployment and crime.⁴² Depressed wages and sporadic work could result in theft even in times of low corn prices or bountiful corn reserves. And perhaps the periodic layoffs at the tobacco factory as a result of paper shortages was the most significant factor.

Magistrates of the lower tribunals heard numerous complaints from accused petty thieves about the inadequacy of salaries and the inability to find any secure employment. A typical case was that of José de la Rúa, a thirty-one year old Spaniard from Mexico City who worked as a tailor by day and as a sacristan in the Santo Domingo convent by night. Brought before the magistrate for stealing sixty-five pesos worth of silver and gold ornaments from the convent, Rúa claimed that he took the items because of the poverty in which he found himself. His two jobs together did not provide enough money to support a wife and fourteen children.

Not only did it "worry and grieve" him to see all his children naked and begging in the streets for bread, but he also faced a jail sentence if he did not repay a fifty peso debt. He spoke for many others when he told the judge that "only moved by necessity . . . was I able to commit this crime."⁴³

Robbery, then, was not unicausal in nature. No one factor was dominant, but I suspect that the employment situation in the capital was the foremost variable influencing the incidence of theft. However, this was not always the case. The availability of jobs may have been more significant in the long run, but during brief periods of corn crises, the price of corn assumed critical importance.

The most damaging corn crisis in the later colonial period occurred in 1785-86 when median annual prices jumped 267 per cent over previous years.⁴⁴ Caused by prolonged rains and a premature August frost, virtually the entire corn crop in northern, western, and central Mexico was destroyed, including the crops of the Chalco region, Mexico City's traditional source of supply.⁴⁵ The result was predictable. By November, thousands of peasants and workers from the provinces had flocked to the capital "believing in its opulence."⁴⁶ In their search for relief from misery and hunger, thousands more continued the exodus to the urban center throughout the course of the crisis. The crop failures caused a general economic slowdown in both the colony and the city. The inclement weather depleted the livestock herds by as much as twenty-five per cent which resulted in a shortage of meat and hides in Mexico City by early 1786. The recession in the livestock industry directly affected one-quarter of all artisans in the city whose trades depended on raw materials from livestock. Work layoffs spread into *obrajes* as

excessive corn prices reduced the purchasing power of the poor. The corn crisis had a prejudicial effect on urban commerce in general. The Consulado reported that business in the city declined precipitously since the poor spent the bulk of their earnings on food and medicine, and little on retail goods.⁴⁷

The recession, combined with crisis migration, only worsened the already depressed employment situation in the capital. The majority of the urban poor were reduced to begging. Viceroy Bernardo de Gálvez commented that "the multitude of poor of both sexes, many nude and carrying children, begging in the streets, walkways, plazas, doorways and even the churches . . . move one to pity and compassion."⁴⁸ The crisis conjured grave images of the 1692 corn riots that ravaged the capital.⁴⁹ Recognizing the relationship between excessive corn prices and property crimes, Gálvez included the fiscal de lo criminal (Audiencia attorney for criminal affairs) in all discussions of possible remedies to alleviate the poor.⁵⁰ With unemployment rates and corn prices soaring, many of the poor lived by stealing. Conditions in the city became intolerable. In late 1785, a board of citizens (Junta de Ciudadanos) reported that the people in the capital would faint merely by thinking about the shortage continuing throughout the coming year.⁵¹

Moved by the threat of riots and increased crime rates, all levels of civil and ecclesiastical governments, as well as private citizens, joined forces in a rare spirit of cooperation to combat the causes and effects of the corn shortage. By early 1786, the crisis became top priority for all officials, including the Viceroy.⁵² Wealthy individuals and convents distributed food to 1,000 persons each day, and other citizens, particularly merchants, donated as much as 10,000 pesos for the purchase of meat and corn.⁵³

More concerted measures than these were needed, however. To lessen demand on the corn supply, the archbishop in 1786 and again one year later permitted the consumption of meat, eggs, and milk products during Lent with the exception of Fridays, Saturdays, Palm Sunday, and Holy Week.⁵⁴ In addition, the ecclesiastical cabildo (ruling body) of Mexico City, attempting to limit the price of corn and frijol, suspended payment of the diezmo on these staples.⁵⁵ One of the Church's more important functions was to prevent a breakdown of public order by offering hope to the hungry masses. In one case, the bishop of Valladolid sent the Viceroy promising examples of the corn crop in Michoacan. Impressed by its quality, Gálvez placed several ears of corn on public display in the Cathedral so the poor could see what the future held.⁵⁶

The municipal and viceregal governments took major steps to minimize disorder and suffering in the city. Less than two months after the summer frost, Gálvez suspended the sales tax on all corn sold to the municipal alhóndigo for the duration of the crisis. Moreover, he ordered all provincial justices to prevent people within their jurisdiction from migrating to the cities and to force them to continue cultivating their corn plots. Urban justices were to assist by prohibiting entry into the cities of any rural migrant.⁵⁷

The civil authorities directed their energies primarily in three areas: collection of corn supplies, planting of corn, and public works projects. To better provide the capital with food, the municipal cabildo sent two regidores (councilmen) into the countryside to purchase additional supplies of corn for the city pósito. Using 150,000 pesos donated by the Consulado and private citizens, the two commissioners bought in April, 1786 almost 75,000 fanegas of corn in regions to the

west and south of the city.⁵⁸ This quantity, however, could feed only one-third of the starving masses for one year.⁵⁹

The authorities believed the planting of corn in the subtropical lowlands could alleviate the crisis. First proposed by José Antonio Alzate in September 1785, the Junta de Ciudadanos recommended a program, which Gálvez later accepted in January, to develop corn harvests in the tierra caliente, particularly in the regions around Cuernavaca and Cautla de Amilpas. Abundant rainfall, absence of frosts, and proximity to Mexico City made the lowlands ideal places to cultivate corn. Corporate-ly and individually, Consulado merchants contributed the 195,000 pesos necessary to purchase corn from these areas and to advance money to hacendados who lacked the capital to plant a summer crop.⁶⁰ The project was successful. The lowland harvests were one of the principal factors leading to the end of the shortage in 1786.⁶¹

Despite the noble intention of Alzate's project, more immediate measures were needed to alleviate the sufferings of the starving poor. To provide work and wages for the unemployed, and food and shelter for those unable to work, Gálvez initiated in April a comprehensive public works program. With over 100,000 pesos collected from military and civilian personnel as well as the Consulado, the Viceroy proposed to repair the three heavily traveled roads leading out of the capital. The road projects were ideal. Not only did they benefit the surrounding villages, but such unskilled work could also employ all types of workers, including young boys. By providing "useful employment," the work projects aimed to eliminate begging by the healthy poor. In addition to providing jobs for the needy, the program aided the sick and handicapped poor by placing them in the Hospicio de Pobres. The "fake poor" were

forcibly sent to the road projects, and if they deserted to beg again, they were given food, but no salary. Finally, in a gesture to remove any official sanction of begging, the Viceroy suspended the customary practice of dispensing corn at the doors of the viceregal palace.⁶²

The reliance on public work projects and on the poorhouse had little impact when compared to the magnitude of the problem. Construction on the roads did not absorb the thousands of unemployed. The total number of men and boys employed on the projects numbered only 4,000. From April to June, the Hospicio assisted 1,200 men, women, and children, but the city at this time contained between 75,000 to 100,000 persons who were in desperate need of help. Nevertheless, the measures adopted in the 1785-86 shortage symbolized government action in the face of crisis.⁶³ The programs did little to relieve the misery of the poor or to reduce the crime rate, but overall, they prevented an uprising of the lower classes. A major catastrophe had been averted.

To a large extent, economic factors determined the level of theft in Mexico City, but not all robberies were the product of unemployment, underemployment, excessive corn prices, or crop failures. The colonial authorities insisted that at all times save corn crises the lower classes stole merely "to support their vices."⁶⁴ And a glance through the criminal records indicates that the urban poor did steal for drinking, gambling, and sex money. The economic insecurity of the poor resulted in attitudes which fostered immediate gratification. If money were not available for diversion, one could acquire it through theft. Such was the case for José Flores, a twenty year old bachelor Indian from the neighboring village of Coyoacan. Soon after arriving in the capital, Flores found employment as a servant in the household of a wealthy

Spaniard. Over the course of six months, he took over 350 pesos in cash from the house, most of which he squandered on debauchery. With four pesos, he purchased several new articles of clothing. Looking dapper, he spent the remaining money on good food, good gambling, good pulque, and good women. Flores thus lived in a manner that was denied to him otherwise. Surrounded by vice of all kinds, the temptation to steal was overwhelming.⁶⁵

In general, there were two types of property offenders: the petty thief and the professional thief, both of whom employed diverse methods in the commission of crimes. The petty or occasional thief did not make a living from crime. Offenses were incidental to his or her way of life and represented the fulfillment of temporary needs, such as hunger or occasional drinking money. Typically unskilled in criminal techniques, the petty thief generally resorted to such casual methods of robbery as running into a store, grabbing an item on a shelf, and then dashing back into the street to merge into the crowd.⁶⁶ Much of the petty theft was perpetrated by individuals who used their jobs as a means to pilfer. Workers often stole from their employers in times of serious financial need. Almost one-half of all skilled and low skilled workers arrested for theft involved domestics, porters, peddlers, and masons, that is, persons who worked in positions which facilitated theft from bosses or customers. The percentage would be higher if the robbery rate for female domestics was added in the tabulation.⁶⁷

The arrest records and criminal cases contain numerous cases of employee theft. José María Cruz, a mulatto coachman, stole almost 200 pesos worth of clothing and silver from his master in order to repay gambling debts. Ordered to wash her master's clothes, Máxima López

pawned them in a store for thirteen pesos so she could buy food for her hungry children.⁶⁸ These cases are not isolated examples. Domestics committed almost one out of every seven thefts among low skilled laborers and artisans. Porters were notorious for stealing merchandise they transported, whether it was money, clothes, furniture, or even steel. One Indian cargador, Feliciano Sabino, was hired to carry fifty-eight boxes of steel to a merchant's warehouse, but thinking that the merchant would not miss one container, Sabino stole the contents and sold the steel for more than fifteen pesos.⁶⁹

Contrasted to the occasional thief was the thief who supported himself or herself solely through crime. Since property offenses were part of his daily life, the professional thief developed clever techniques in the commission of crimes. According to the *alcaldes de barrio*, the unlit *pulquerías* and municipal markets served as nightly hideouts for the professional thieves. From them, the criminals not only planned their robberies and distributed the stolen merchandise, but they also robbed and assaulted any unsuspecting passerby.⁷⁰ Consequently, wealthy individuals rarely ventured into the streets at night unless surrounded by a coterie of servants carrying torches.⁷¹

Professional thieves developed certain skilled methods and relied on tested paraphernalia to insure a successful criminal career. Such tools as a picklock or skeleton key facilitated entry into a vacant home or rented room. Pickpockets represented a highly skilled group of criminals who stood on street corners or wandered through the busy markets stealing virtually at will. To lessen the chance of detection, professional thieves often banded together in small groups. A common method for a pickpocket was to work with another thief to whom he passed the

pilfered goods. If suspected of the crime, a frisk would not find the merchandise on his person. A more refined example of this technique involved store robberies. A team of three thieves would enter a shop, and while one distracted the employees with questions, another would steal an item and give it to the third companion who would quickly leave the store. Court convictions in such cases proved difficult if the police did not apprehend the thief with the goods.⁷²

Theft by deceit was another popular technique employed by the professional thief. Examples range from the man who gained access into homes under the pretext of being a census taker, to the young boys who begged in the streets, but who snatched the handbags and silk handkerchiefs from persons offering money, and finally to the woman who received change of a peso in a tavern, but who ran back into the street before giving the bartender the peso coin.⁷³ Feigning drunkenness also aided the clever thief. In one case, two women, claiming that they could not find their way home in their present inebriated state, requested and were granted lodging in a stranger's apartment room. After their hosts went to sleep, the women searched the house and took almost one peso in cash.⁷⁴ Thieves also sprawled themselves out in the street next to unconscious drunks and robbed unwary passersby.⁷⁵ Viceroy Revillagigedo prohibited one of the popular methods among professional thieves. Taking advantage of the lower class custom of moving to other lodgings in the evening, the thieves would break into a home, steal the furniture, locks, and cooking utensils and carry them through the streets. If questioned by the police, they would merely reply that they were moving to another location. After 1791, however, any evening moving required advance permission from local *alcaldes de barrio*.⁷⁶

Earthquakes always sent fear into the hearts of the authorities and the populace at large, but for the professional thieves, they represented unlimited possibilities. A series of tremors shook the city from late March to mid-April 1787 demolishing and damaging countless buildings, including the Cathedral. The ensuing mass confusion enabled widescale looting of private residences and stores to go undetected. The disorder reached alarming proportions. The corregidor placed extra security around the monies in both the tobacco factory and the various treasury departments. Wealthy citizens and magistrates patrolled the city to prevent further robberies and the Viceroy ordered that all persons arrested for theft be executed. He rescinded these measures when order was reestablished shortly after the last major quake.⁷⁷

Analyzing the relationship between offenders and victims in theft offenses yields greater insight into the nature of this crime among the urban poor. As shown in Table 55, thieves stole mainly from strangers. Only three out of every ten victims were acquainted with the offender.⁷⁸ An indicator that many used their jobs as a means to steal is found in the sub-table on the acquaintance as victim. Employers, whether a master artisan or master of the house, were the victims in three-quarters of all cases. The poor rarely stole from other family members. Only one out of every fifty robbery victims was a relative, thus underlining the poor's conception of the family as an interlocking, but closed economic unit in which all members contributed to its support in whatever way possible.⁷⁹ Thieves, both professional and petty, typically stole from persons whose financial loss was not detrimental to the family. Theft from an employer, however, was taking from one who presumably had sufficient resources.

As seen in Table 56, clothing and money accounted for most of the stolen merchandise. These goods, as well as food, were easy prey for both the professional and petty thief. Artisan tools and alcoholic beverages were also likely targets for the occasional thief. Other goods, such as jewelry, silver, street lights, livestock, and furniture, were stolen typically by the professional thief since their theft involved more skill and more knowledge of distributing stolen commodities. The value of most thefts was under ten pesos although certain heists by professionals netted goods worth 600 pesos.

What did the urban poor do with the stolen merchandise? Viceroy Iturrigaray complained to the Sala del Crimen that all police efforts designed to recover stolen property were ineffective.⁸⁰ The quick and easy conversion of most reported stolen goods into cash prevented the police from catching the thieves with the goods. Petty and professional thieves employed various techniques to dispense stolen merchandise. One method was to sell the goods personally. Men and women hawked all types of stolen property on street corners and in the courtyards of apartment complexes (casas de vecindad). The more professional thieves converted their apartment or rented room into a store for hot items. José Pinos and Ignacia Silvestre, a creole married couple, became well-known to the police for their illegal retail operation. Not only did the "naked poor" buy large quantities of stolen clothes, but wealthy individuals also visited the apartment looking for the latest styles at reduced prices.⁸¹

If unable or unwilling to distribute the stolen merchandise personally, the thief could sell it to either merchants or street peddlers. Retail stores were popular outlets for stolen goods since merchants, in

order to enhance profits, occasionally purchased pilfered items from thieves or middleman. The following cases are representative. One restaurant owner in the Plazuela de Santa Catarina, unable to buy expensive weighing scales, eventually purchased several from an Indian porter for a total of ten reales. The proprietor of a candle shop on Canoa Street bought thirty-six pounds of stolen wax for slightly over twenty pesos, saving at least half of the cost.⁸²

Baratilleros were noted buyers of stolen merchandise. Often stationary in the markets during the day, they wandered through the city streets each evening selling such wares as shirts, socks, jewelry, and relics. For acting as middleman, the baratillero received a commission from the sale of the stolen article. Typically, he or she kept half of the sale price and turned the remainder over to the thief. Depending on the type of product or ease of sale, however, the commission could be as low as five per cent.⁸³

The colonial authorities denounced the sale of stolen goods by the peddlers, but they took no action to curtail their activities until the first decade of the nineteenth century. An officially established baratillo, or secondhand market, located in the Farian market had existed since the late seventeenth century.⁸⁴ Soon known as the place in the city where stolen goods were bought and sold, the baratillo was outlawed by the crown in 1721.⁸⁵ Despite additional prohibitions in 1735 and 1744, the baratillo prospered to such an extent that by the late eighteenth century, there were two large secondhand markets in the capital: the old Farian and, after 1793, the new official baratillo in the Plazuela de la Cruz del Factor. Both markets trafficked in a myriad of stolen goods such as clothes, books, watches, locks, and keys. The

shady business conducted in the baratillos became known throughout the colony, earning them the dubious title of "centers of deceit."⁸⁶ The presence of the huge Cruz del Factor baratillo changed the selling patterns of stolen commodities. Peddlers, instead of hawking their wares in the streets at night, congregated outside the limits of the baratillos after the markets closed at sunset and waited for the visits of prospective buyers. In addition to serving as a center of crime, these illegal gatherings created massive traffic jams in the heavily traveled streets around the markets.

Measures taken by individual police magistrates failed to remedy the problem. Posters listing the penalties for transgressors were torn down as soon as they were nailed to the street bulletin boards. Even more frequent police patrols did not eliminate the illicit evening commerce.⁸⁷ More concerted action was required. Instigated by an alcalde de barrio, a sporadic two and one-half year campaign to eradicate the nighttime baratillos commenced in mid-1806. Acting on a plan suggested by the juez de plazas, Viceroy Iturrigaray in early 1808 ordered military units to patrol the area around the two markets each evening in order to disperse the crowd and arrest persons involved in the transaction of any merchandise.⁸⁸ The reform movement culminated in late 1808 and early 1809 with Viceroy Garibay's total prohibition of the evening baratillos.⁸⁹ Initially effective, the 1806-09 reform was a failure. With the nightly trade around Cruz del Factor and Parian temporarily restricted, a new baratillo prospered in the small Plazuela de la Paja.⁹⁰ For the peddler, the reform was nothing but an inconvenience.

Notwithstanding the importance of merchants, peddlers, and second-hand markets, the most common method of dispensing stolen property was

to pawn it in the thousands of taverns and grocery stores spread throughout the city.⁹¹ Viceroy Mayorga claimed that the pulquerías, vinaterías, and pulperías were nothing more than "safe deposits" for stolen goods, and that the easy acceptance of such goods resulted in the "protection and promotion" of robberies. The owners of these establishments, he continued, facilitated the transfer of the stolen item since they took any article without conducting an investigation into its rightful owner.⁹²

In 1781, the Viceroy laid down strict regulations designed to eliminate, or at least reduce, the pawning of stolen goods in the commercial establishments. He prohibited merchants from accepting certain types of articles such as church relics, artisan tools, locks, or any item believed not to belong to the person pawning it. To avoid taking pawned goods of suspicious origin, merchants could accept pawns from only neighbors or regular customers.⁹³ Mayorga's law was totally ineffective since both thief and proprietor had a vested interest in the illegal trade. Merchants made as much as a sixty-six per cent profit on a pawned item, and they increased their sales by giving the thief credit in their stores rather than cash.⁹⁴ Even though the thief could earn more money by selling the merchandise to a buyer or to a merchant, pawning entailed little risk of detection. By 1808, Alcalde del Crimen Urrutia reported that the program was rarely enforced and that when it was, merchants went unpunished since most claimed military privilege.⁹⁵

Theft, or at least the acceptance of theft, permeated all levels of the urban poor and even filtered into the ranks of the privileged. A discussion of the dimension of theft must include not only the law-breakers, but also those who patronized their services. Merchants and wealthy individuals who accepted stolen merchandise as pawns or who

paid for it outright were just as culpable as the thieves themselves. Even officials on the viceroys' staffs bought stolen commodities from known criminals.⁹⁶ The high incidence of robberies in Mexico City can be understood only in the context of widespread acceptance of theft among the poor and of the supportive services the middle and upper ranks of urban society provided the lower class property offender.

NOTES

1. See Chapter One, Table 7.
2. Crespo to Bucareli, June 16, 1778, AGN, Ayuntamiento, vol. 107, exp. 1, fol. 57. According to the Sala del Crimen, the poor are "licentious people of ruined customs from which results thefts...and other excesses." Bando, February 24, 1772, AGN, Bandos, vol. 8, fol. 53.
3. Beleña, Recopilación sumaria, I, 5th, CCCCVIII.
4. Bando, Bucareli, February 14, 1773, AGN, Bandos, vol. 8, fols. 49-51. The size of the bets were doubled for persons of "abundant resources." Also see cédula, April 6, 1747, Ibid., vol. 4, fol. 1.
5. Bando, Croix, April 28, 1770, Ibid., vol. 7, no. 71; bando, Bucareli, February 14, 1773, Ibid., vol. 8, fols. 49-51.
6. The village of San Agustín de las Cuebas, located within twenty miles of the capital, also had a reputation for gambling. During Pen-tecost, for example, people from surrounding villages and Mexico City journeyed to San Agustín just to gamble. AJT, Penal, vol. 5 (1792), exp. 80.
7. José de Castro to Revillagigedo, December 3, 1792, AGN, Historia, vol. 75, exp. 15, fols. 1-4. All owners were either creoles or peninsulares while administrators were often mestizos. AGN, Ayuntamiento, vol. 194, exp. 19.
8. AJT, Penal, vol. 9 (1803), exp. 5; bando, Bucareli, February 14, 1773, AGN, Bandos, vol. 8, fols. 49-51.
9. AJT, Penal, vol. 4 (1790-91), exps. 4 and 68; vol. 8 (1800), exp. 28; AGJ, Penal, vol. 1 (1802), exp. 36; Libro de Reos. Alcalde de barrio número 21, 1800 (hereafter cited as LR: AB (1800)), fols. 1v-2; LR: AO (1807), fols. 48v-49.

10. AJT, Penal, vol. 5 (1792), exp. 53; vol. 12 (1810), exp. 54; AGJ, Penal, vol. 2 (1803), exp. 9; LR: AO (1795), fols. 56-56v; LR: AO (1807), fols. 4-4v.

11. In 1609, Philip III outlawed all casas de juego in the Indies. Recopilación de leyes de los reynos de las Indias (4 vols.; Madrid, 1756), Libro VII, título 2, ley 2.

12. AJT, Penal, vol. 2 (1783), exp. 52; vol. 3 (1785), exp. 10; vol. 4 (1790), exp. 38; AGJ, Penal, vol. 3 (1805), exp. 2.

13. AGJ, Penal, vol. 1 (1802), exp. 40.

14. AJT, Penal, vol. 4 (1790), exp. 28. Also see AGJ, Penal, vol. 3 (1805), exp. 2. In 1773, Bucareli declared such employment illegal. Bando, February 14, 1773, AGN, Bandos, vol. 8, fols. 49-51.

15. In 1800, there were 593 vinaterías in Mexico City. Consulado to Iturrigaray, July 20, 1807, AGN, Civil, vol. 2126, exp. 1, fols. 43-43v. Among numerous cases of gambling in the aguardiente taverns see AJT, Penal, vol. 9 (1803), exp. 57; LR: AO (1807), fols. 9v and 53v-54.

16. LR: AB (1798), fols. 5-5v; LR: AO (1807), fols. 12v-13.

17. AGJ, Penal, vol. 1 (1802), exp. 63.

18. AJT, Penal, vol. 12 (1809), exps. 11 and 46; AGJ, Penal, vol. 4 (1806), exp. 4; LR: AO (1796), fols. 124v-125; LR: AO (1807), fols. 40v-41; bando, Venegas, January 14, 1813, AGN, Bandos, vol. 27, fol. 3.

19. AJT, Penal, vol. 8 (1800), exp. 5; LR: AO (1795), fol. 36.

20. AJT, Penal, vol. 3 (1786), exp. 42; vol. 9 (1803), exp. 57; LR: AO (1796), fol. 53v.

21. AJT, Penal, vol. 8 (1801), exp. 28.

22. AGJ, Penal, vol. 1 (1802), exp. 40. Also see AJT, Penal, vol. 8 (1800), exp. 5.

23. Bando with cédula, Guemes, April 6, 1747, AGN, Bandos, vol. 4, fol. 1.

24. AJT, Penal, vol. 2 (1784), exp. 64.

25. Bando, Bucareli, February 14, 1773, AGN, Bandos, vol. 8, fols. 49-51. Also see bando, Croix, April 28, 1770, Ibid., vol. 7, no. 71.

26. AGJ, Penal, vol. 3 (1805), exp. 2.

27. AJT, Penal, vol. 4 (1791), exp. 58; vol. 3 (1800), exp. 5; vol. 12 (1809), exp. 11; AGJ, Penal, vol. 3 (1805), exp. 2. See Bucareli's and Revillagigedo's comments on gambling by the social elite. Bando, Bucareli, February 14, 1773, AGN, Bandos, vol. 8, fols. 49-51 and bando, Revillagigedo, October 29, 1790, Ibid., vol. 15, fol. 235.

28. AJT, Penal, vol. 3 (1785), exp. 11; AGJ, Penal, vol. 1 (1802), exps. 20 and 39; LR: AO (1796), fol. 142v. A discussion of gambling and the family will be found in Chapter Four.

29. Beleña, Recopilación sumaria, I, 5th, DXXXV; bandos, Croix, April 8, 1768 and April 25, 1768, AGN, Bandos, vol. 7, nos. 15 and 16. To eliminate contraband, Azanza reduced the cost of a deck of playing cards to two reales. Bando, September 11, 1799, Ibid., vol. 20, fol. 134.

30. Recopilación de leyes, Lib. VII, tit. 2; bando with cédula, Guemes, April 6, 1747, AGN, Bandos, vol. 4, fol. 1; bando, Croix, April 28, 1770, Ibid., vol. 7, no. 71.

31. Bando with cédula, Croix, July 22, 1763, AGN, Bandos, vol. 7, no. 22. This law had been in effect in Spain since 1764.

32. See, for example, AJT, Penal, vol. 8 (1800), exp. 5.

33. Bando, Bucareli, February 14, 1773, AGN, Bandos, vol. 8, fols. 49-51.

34. Bando, Matías de Cálvez, July 14, 1784, Ibid., vol. 13, fols. 151-153v; bando, Peralta, July 18, 1787, Ibid., vol. 14, fols. 239-241v; bando, Revillagigedo, October 29, 1790, Ibid., vol. 15, fol. 235; circular, Garibay, February 3, 1809, Ibid., vol. 25, fol. 10.

35. Bando, Revillagigedo, October 29, 1790, Ibid., vol. 15, fol. 235.

36. I base this statement on the analysis of 183 gambling cases judged between 1795 and 1807. Libros de Reos, 1795-1807.

37. Bando, Bernardo de Cálvez, October 11, 1785, AGN, Bandos, vol. 13, fols. 412-413; Gazetas de México, February 14, 1786, p. 37.

38. Florescano, Precios, pp. 163-172.

39. I selected 1795, 1796, 1798, and 1800 since price and crime data are more abundant for these years. To approximate the true level of robberies throughout the city, I multiplied the number of arrests made in the jurisdiction of the *alcalde ordinario mas antiguo* by a weight factor of 6.3. See Chapter One, note 29.

40. For an elaboration of these seasonal movements, see Florescano, Precios, Chapter 8.

41. Some migrants arrested for theft had lived in Mexico City for several months or years, but due to the nature of the arrest records, I am unable to note the length of residence in the city. Consequently, the arrest data in Figures 6 and 7 are distorted to some unknown degree.

42. Royal order, June 26, 1796, AGN, Bandos, vol. 19, fol. 12.

43. AGJ, Penal, vol. 1 (1802), exp. 57. For additional cases, see AJT, Penal, vol. 8 (1800), exp. 5; vol. 12 (1809), exp. 30; AGJ, Penal, vol. 1 (1802), exp. 22; IR: C (1794), fols. 49v and 58v; IR: AO (1795), fols. 32-32v.

44. Florescano, Precios, p. 234.

45. Gazetas de México, October 18, 1785, p. 411; bando, Bernardo de Gálvez, October 11, 1785, AGN, Bandos, vol. 13, fol. 412.

46. Gazetas de México, April 18, 1786; circular, Bernardo de Gálvez, March 8, 1786, AGN, Bandos, vol. 14, fols. 50-51.

47. AJT, Penal, vol. 3 (1789), exp. 67; Gazetas de México, January 10, 1786, p. 8; Florescano, Precios, pp. 148-149 and 153-154.

48. Bando, Bernardo de Gálvez, April 10, 1786, AGN, Bandos, vol. 14, fols. 59-61v.

49. The fear of riots over high corn prices was in the minds of all viceroys after the 1692 uprising. Instrucción...Croix, p. 54; Instrucción...Revilla Gígedo, pp. 76-78.

50. Bando, Bernardo de Gálvez, October 11, 1785, AGN, Bandos, vol. 13, fols. 412-415.

51. Consulta, Junta de Ciudadanos, January 16, 1786, Ibid., vol. 14, fol. 8v.

52. Circular, Bernardo de Gálvez, February 7, 1786, Ibid., fol. 204.

53. Gazetas de México, November 8, 1785, p. 423; February 14, 1786, pp. 37-38; circular, Bernardo de Gálvez, March 8, 1786, AGN, Bandos, vol. 14, fols. 50-55v.

54. Gazetas de México, February 28, 1786, pp. 54-59; edict, archbishop, February 13, 1787, AGN, Bandos, vol. 14, fol. 207. Dispensations during Lent became customary in following years. The archbishop issued similar edicts in 1791 and 1792. At the request of Charles IV, Pope Pius in 1794 conceded for six years the privilege of eating meat during Lent, except on Wednesdays, Fridays, Saturdays, and Holy Week. Other papal dispensations were granted for 1800-1803 and 1804-1809. Sedaño, Noticias de México, I, 67-68.

55. Circular, Dean of cabildo eclesiástico, December 13, 1785, AGN, Bandos, vol. 13, fols. 427-427v.

56. Gazetas de México, March 14, 1786, pp. 71-72.

57. Bando, Bernardo de Gálvez, October 11, 1785, AGN, Bandos, vol. 13, fols. 412-415. The provincial officials were unable to prevent the massive migration from the campo to the cities. See circulars, Bernardo de Gálvez, March 8, 1786 and August 7, 1786, Ibid., vol. 14, fols. 51-55v and 103-103v.

58. Gazetas de México, April 18, 1786, pp. 90-91. The archbishop donated 130,000 pesos to purchase and plant more corn. Consulta, Junta de Ciudadanos, December 13, 1785, AGN, Bandos, vol. 14, fols. 8-9v. Also see Gazetas de México, February 14, 1786, pp. 36-37.

59. Gazetas de México, July 25, 1786, pp. 157-158.

60. Pamphlet, José Antonio Alzate, September 19, 1785, AGN, Bandos, vol. 13, fol. 399v; consulta, Junta de Ciudadanos, January 16, 1786, Ibid., vol. 14, fols. 8-9v.

61. Sedaño, Noticias de México, II, 3-4.

62. Bando, Bernardo de Gálvez, April 10, 1786, AGN, Bandos, vol. 14, fols. 59-61v; Gazetas de México, April 18, 1786, pp. 92-94.

63. Gazetas de México, June 27, 1786, p. 146; Florescano, Precios, pp. 157-159.

64. Bando, Mayorga, April 21, 1781, AGN, Bandos, vol. 11, fol. 297; fiscal de lo criminal Robledo to Iturrigaray, May 10, 1803, AGN, Civil, vol. 2126, exp. 4.

65. AJT, Penal, vol. 3 (1785), exp. 11; vol. 4 (1790), exp. 21; vol. 5 (1792), exp. 53; vol. 6 (1796), exp. 58; vol. 8 (1800), exps. 27, 56 and 59; vol. 11 (1807), exp. 4; AGJ, Penal, vol. 1 (1802), exps. 36, 37 and 40; vol. 2 (1803), exp. 9; LR: C (1794), fol. 9; LR: AO (1807), fol. 15.

66. LR: AO (1796), fols. 121v-122 and 147.

67. I believe that women domestics committed as high a rate of thefts as did male domestics.

68. AGJ, Penal, vol. 2 (1803), exp. 9; LR: AO (1795), fol. 51.

69. AGJ, Penal, vol. 2 (1803), exp. 36. For other examples of workers using their jobs to steal, see AJT, Penal, vol. 12 (1809), exp. 27; AGJ, Penal, vol. 2 (1803), exp. 29; LR: C (1794), fols. 32 and 37v; LR: AO (1795), fols. 32-32v and 34-34v; LR: AO (1796), fols. 49v, 104v, 108v, 116, 132v and 137; LR: AO (1807), fols. 49v and 58v-59.
70. José Barela to Villaurrutia, October 12, 1807, AGN, Policía, vol. 34, fols. 85-90; AGN, Historia, vol. 58, exp. 9, fols. 494-505v.
71. Crespo to Bucareli, June 16, 1778, AGN, Ayuntamiento, vol. 107, exp. 1, fol. 54; testimony of Fray Pasqual de San José in Residencia of Revillagigedo, AGN, Historia, vol. 58, exp. 21, fol. 697.
72. AJT, Penal, vol. 11 (1807), exp. 17; AGJ, Penal, vol. 2 (1803), exp. 24; LR: C (1794), fols. 62 and 71; LR: AO (1807), fols. 15v-16, 23v and 39v-40.
73. Superior order, Revillagigedo, January 14, 1792, AGN, Ayuntamiento, vol. 111, fol. 420; Francisco Saavedra to Revillagigedo, January 22, 1792, Ibid., fol. 426; LR: C (1796), fol. 19; LR: AB (1798), fol. 25v; Gazetas de México, May 16, 1786, p. 120.
74. LR: AO (1796), fols. 63-63v.
75. Testimony of Fray Vicente Garrido in Residencia of Revillagigedo, June 20, 1796, AGN, Historia, vol. 58, exp. 21, fols. 685v-686.
76. Bando, Revillagigedo, December 31, 1791, AGN, Bandos, vol. 16, fol. 108; Joaquín de Mosquera to Branciforte, July 22, 1797, AGN, Historia, vol. 44, exp. 18, fol. 460v; LR: AO (1796), fol. 138v.
77. Gazetas de México, April 17, 1787, pp. 327-330.
78. The impersonal nature of thefts is characteristic in all societies studied by criminologists. See Sutherland and Cressey, Criminology, p. 22.
79. One could argue that the real level of family members as victims was higher since the family was reluctant to prosecute its own kin and would prefer to handle the matter informally. I believe, however, that the percentage of family as victims was still comparatively small.
80. Iturrigaray to Sala del Crimen, May 2, 1808, AGN, Civil, vol. 2126, exp. 4, fols. 1-lv. Also see LR: AO (1796), fols. 98-98v.
81. AGJ, Penal, vol. 1 (1802), exp. 57; vol. 4 (1806), exp. 1; LR: AB (1798), fol. 11v.
82. AJT, Penal, vol. 11 (1807), exp. 17; AGJ, Penal, vol. 2 (1803), exps. 9 and 36; LR: AO (1795), fols. 32-32v; LR: AO (1796), fol. 129v.

83. AJT, Penal, vol. 6 (1793), exp. 3; vol. 11 (1807), exp. 17; LR: AO (1795), fol. 32; LR: AO (1796), fol. 118v; LR: AO (1807), fol. 42. Also see bando, Venegas, January 14, 1813, AGN, Bandos, vol. 27, fol. 3.

84. Sedaño, Noticias de México, II, 71.

85. Beleña, Recopilación sumaria, I, 5th, XC. The baratillo was commonly referred to as the thieves market.

86. Testimony of Fray Valentín de la Madre de Dios in Residencia of Revillagigedo, July 16, 1796, AGN, Historia, vol. 59, exp. 9. For an account of the construction of the Cruz del Factor baratillo, see Sedaño, Noticias de México, II, 91.

87. Junta de Policía to Iturrigaray, April 21, 1807, AGN, Policía, vol. 22, fols. 207-209v.

88. Francisco Sanchez de Tagle to Iturrigaray, February 23, 1808, Ibid., fols. 217-218; Saporizurieta to Iturrigaray, February 29, 1808, Ibid., fols. 219-221; superior order, Iturrigaray, March 14, 1808, Ibid., fol. 221.

89. Bando, Garibay, December 31, 1808, AGN, Bandos, vol. 22, fol., 310; bando, Garibay, January 10, 1809, Ibid., vol. 25, fol. 3; AGN, Policía, vol. 34, fols. 160-161 and 164.

90. Bando, Venegas, January 14, 1813, AGN, Bandos, vol. 27, fol. 3; José Juan Fagoaga to Viceroy Calleja, March 13, 1815, AGN, Policía, vol. 33, fols. 324-327v.

91. See, for example, AJT, Penal, vol. 6 (1796), exp. 58; AGJ, Penal, vol. 2 (1803), exp. 9; LR: C (1794), fol. 63; LR: AO (1795), fol. 32; LR: AB (1798), fol. 5; LR: AB (1800), fol. 3v.

92. Bando, Mayorga, April 21, 1781, AGN, Bandos, vol. 11, fol. 297.

93. Ibid.

94. AJT, Penal, vol. 9 (1803), exp. 47.

95. Urrutía to Iturrigaray, May 28, 1808, AGN, Civil, vol. 2126, exp. 4, fols. 5-5v.

96. LR: AO (1796), fol. 139.

TABLE 38
PROPERTY CRIMES: SEX OF OFFENDER
(PER CENT)

Sex	All Property Crimes	Census
Male	84	42
Female	16	58
Total cases 324		

TABLE 39
PROPERTY CRIMES: SEX OF OFFENDER BY CRIME
(PER CENT)

Sex	Theft	Stolen Property	Gambling	Debt
Male	77	57	97	92
Female	23	43	3	8
Total cases 324				

TABLE 40
PROPERTY CRIMES: RACE OF OFFENDER
(PER CENT)

Race	All Property Crimes	Census
Spanish	40	46
Indian	36	28
Mestizo	16	19
Mulatto	8	7
Total cases 819		

TABLE 41
PROPERTY CRIMES: RACE OF OFFENDER BY CRIME
(PER CENT)

Race	Theft	Stolen Property	Gambling	Debt
Spanish	30	35	51	54
Indian	48	30	22	23
Mestizo	14	26	16	21
Mulatto	8	9	11	2
Total cases 819				

TABLE 42
PROPERTY CRIMES: CRIME BY RACE OF OFFENDER
(PER CENT)

Crime	Spanish	Indian	Mestizo	Mulatto
Theft	40	71	45	55
Stolen property	2	2	4	4
Gambling	29	14	22	34
Debt	29	13	29	7
Total cases	819			

TABLE 43
PROPERTY CRIMES: AGE OF OFFENDER
(PER CENT)

Age	All Property Crimes	Census
Under 20	12	15
20-29	42	37
30-39	22	21
40-49	11	15
Over 49	13	12
Total cases	824	

TABLE 44

PROPERTY CRIMES: AGE OF OFFENDER BY CRIME
(PER CENT)

Age	Theft	Stolen Property	Gambling	Debt
Under 20	15	9	9	6
20-29	45	35	38	40
30-39	21	30	21	27
40-49	10	9	11	12
Over 49	9	17	21	15
Total cases 824				

TABLE 45

PROPERTY CRIMES: CRIME BY AGE OF OFFENDER
(PER CENT)

Crime	Under 20	20-29	30-39	40-49	Over 49
Theft	70	57	49	51	35
Stolen property	2	2	4	2	3
Gambling	17	20	21	22	36
Debt	11	21	26	25	26
Total cases 824					

TABLE 46

PROPERTY CRIMES: MARITAL
STATUS OF OFFENDER
(PER CENT)

Marital Status	All Property Crimes	Census
Single	31	28
Married	59	53
Widowed	10	19
Total cases 790		

TABLE 47

PROPERTY CRIMES: MARITAL STATUS
OF OFFENDER BY CRIME
(PER CENT)

Marital Status	Theft	Stolen Property	Gambling	Debt
Single	39	18	28	16
Married	52	65	64	73
Widowed	9	17	8	11
Total cases 790				

TABLE 48

PROPERTY CRIMES: OCCUPATION OF OFFENDER
(PER CENT)

Occupation	All Property Crimes	Census
Low skilled	40	43
Artisan	53	40
Merchant	4	7
Other	3	10
Total cases 652		

TABLE 49

PROPERTY CRIMES: OCCUPATION
OF OFFENDER BY CRIME
(PER CENT)

Occupation	Theft	Stolen Property	Gambling	Debt
Low skilled	50	75	19	36
Artisan	46	17	75	49
Merchant	2	8	2	9
Other	2	0	4	6
Total cases 652				

TABLE 50

PROPERTY CRIMES: CRIME BY
OCCUPATION OF OFFENDER
(PER CENT)

Crime	Low Skilled	Artisan	Merchant	Other
Theft	63	42	25	36
Stolen property	3	1	4	3
Gambling	12	35	13	25
Debt	22	22	58	36
Total cases	652			

TABLE 51

PROPERTY CRIMES: ORIGIN OF OFFENDER
(PER CENT)

Origin	All Property Crimes	Estimate ^a
Mexico City	52	58
Provinces	46	41
Other	2	1
Total cases	816	

^aEstimate refers to the arrest rate between 1795 and 1807 for natives of Mexico City, the provinces, and regions outside New Spain. I substitute this control data in place of the 1790 census since the enumeration does not contain information on the origins of Mexico City's inhabitants. Consequently, this and all subsequent tables on the origins of offenders compare the arrest rate(s) for a particular or series of related crimes with the overall arrest rate for a period of twelve years.

TABLE 52

PROPERTY CRIMES: ORIGIN OF
OFFENDER BY CRIME
(PER CENT)

Origin	Theft	Stolen Property	Gambling	Debt
Mexico City	49	86	56	50
Provinces	50	14	38	47
Other	1	0	4	3
Total cases	816			

TABLE 53

PROPERTY CRIMES: CRIME BY
ORIGIN OF OFFENDER
(PER CENT)

Crime	Mexico City	Provinces	Other
Theft	50	58	14
Stolen property	5	1	0
Gambling	25	18	36
Debt	20	23	50
Total cases	816		

TABLE 54

PROPERTY CRIMES COMMITTED BY MIGRANTS FROM PERIPHERY COMPARED
WITH MIGRANT POPULATION OF MEXICO CITY FROM THE PERIPHERY
(PER CENT)

Periphery	Theft	Gambling	Debt	Total	Migrant Population
Mexico	29	22	11	23	26
Puebla	14	28	2	17	16
Hidalgo	16	13	18	15	15
D.F.	11	7	6	10	12
Queretaro	3	6	7	4	6
Tlaxcala	1	3	0	1	3
Morelos	1	0	0	1	1
Total	75	79	44	71	79
Total cases 271					

TABLE 55

THEFT: OFFENDER-VICTIM RELATIONSHIP
(PER CENT)

<u>All Victims</u>		<u>Acquaintances as Victims</u>	
Strangers	70	Employers	75
Employers		Neighbors	10
Master of house	11	Customers	9
Master artisan	11	Family	6
Neighbors	6		
Family	2		
Total cases 396			

TABLE 56
STOLEN MERCHANDISE

Merchandise	Per Cent
Clothing	39
Money	19
Food	7
Jewelry	6
Tools	5
Street lights	3
Livestock	3
Intoxicants	2
Furniture	2
Other	14
Total cases	311

CHAPTER FOUR FAMILY LIFE

Historians know little about the institution of the family in colonial Mexico. Charles Gibson outlines the general nature of the rural Indian family and Sherburne Cook and Woodrow Borah present statistics on the size and composition of the family in New Spain, but there is no detailed study of the domestic unit in an urban environment.¹ The purpose of this chapter is to examine formal and informal lower class family structures in Mexico City, and, in the process, discuss traditional family roles played by husbands, wives, fathers, mothers, and children. More specifically, I will analyze the problems which confronted the poor family in the capital, such as insufficient funds, intrafamily violence, marital instability, and family dissolutions, and determine how family members responded to these daily occurrences.

A glimpse of family relations among the poor requires the use of police and court records since the courtroom then, as now, served as a public battleground for beleaguered family members. In addition to the data gleaned from the arrest inventories, defendant and plaintiff court testimonies and court sentencing practices, I will rely on the legal dimensions of family life as constructed in Las Siete Partidas, a late thirteenth century codification of Spanish penal and civil law which later formed the basis of colonial Mexican family law.²

By their own definition, criminal records shed a negative light on the subject matter, and thus, perhaps the view they offer of lower class

family life is too biased and uncomplimentary. The question that arises is just how representative are the arrest records of conjugal relations among the urban poor? To understand the issue of data reliability, the size of the arrest sample as well as court procedures must be discussed. Overall, offenses involving the family accounted for twenty-two per cent of all arrests in 1798. Some specific crimes such as common-law marriage and promiscuous behavior respectively amounted to 8.7 per cent and 6.3 per cent of the arrests while others such as marital abuse and prostitution accounted for respectively 1.0 per cent and 0.4 per cent. What must be understood about the relative frequency of arrests in family offenses is that in all crimes save promiscuous behavior, the majority of the arrests were made not by the police, but at the request of a family member or guardian. Consequently, the total number of arrests more accurately depicts the reliance on the courts as a mediator of domestic disputes rather than the true incidence of the offense.

The Libros de Reos present only a fraction of family offenses since the urban poor infrequently used the courts to settle family problems. One reason for this relates to high judicial costs. Court clerks charged a fee for the preparation of any legal document. Fees ranged from two reales for taking the defendant's statement to ten reales for conducting an investigation, and the executer of any corporal punishment sentence received one peso from the offender. Moreover, the clerks often took advantage of a defendant's or complainant's ignorance of the published court fees and collected excessively high payments.³ Adding jail costs and lost work time to the court expenditures, the financial obligation for the family was at least three pesos or as much as thirty-six pesos.⁴ To remedy the situation and extend justice to all the poor, the crown

in 1808 abolished judicial fees for persons who could prove their indigence to the magistrate. The law was of no immediate help since, for some unknown reason, viceregal officials in Mexico City did not receive it until ten years later.⁵ Consequently, throughout the late colonial period, the high costs of judicial proceedings prevented many of the poor from pressing formal charges in the city's lower tribunals, and the only cases listed in the court records represented the most serious family offenses. Only as a last resort would the urban poor rely on the courts as a means to rectify the behavior of a wayward spouse or child.⁶ Although the number of arrests were relatively small in some crimes, they were altogether representative of numerous family problems which never appeared in the tribunals.

Since the arrest data reflects access to the courts rather than the true incidence of family offenses, men constituted a high percentage of offenders in cases of marital abuse because women filed two out of every three formal court charges. Persons from Mexico City were overrepresented in many of the crimes, not because families from the capital were more prone to domestic instability, but because capitaleños filed sixty-four per cent of all the charges. However, there was no significant racial bias. Although Spaniards were slightly overrepresented in the number of charges, persons of all races relied on the courts in rough proportion to their composition in the population.

That the State considered the family to be the most fundamental social organization is readily seen in colonial legislation.⁷ In order to stabilize recently conquered New Spain, the crown promulgated a series of laws in the first half of the sixteenth century designed to promote marriages by encomenderos in particular and by all male peninsulares in

general. After 1538, only married persons would receive preference in the allotment of encomiendas, and unattached encomenderos were forced to either bring their wives from Spain or, if single, marry in the colony.⁸ A later measure forced all Spanish emigrants to take their wives with them to the Indies, and required single women to obtain royal permission before crossing the Atlantic.⁹ Only by establishing marital units could the Spanish colonists set a "good example" for the Indians and populate the colonies with persons of pure blood.¹⁰

The Pragmatic Sanction of 1778 represents the crown's most ambitious project to supervise colonial marriage patterns. Promulgated in Spain in 1776 and later extended to the colonies, the law required all Spaniards and Indians under the age of twenty-five to secure parental or guardian consent before marrying. If unable to locate the parents, Indians could obtain permission from members of the clergy. In 1803, the crown lowered the age requirements for girls to twenty-three. Consent was necessary since only the head of household could reflect upon the consequences of a marriage, and thereby prevent unions between social unequals which were prejudicial to the State and to family honor. To enforce the law, the crown deprived the disobedient minor of all civil effects, inheritance rights, for example, and the Church declared couples forming such unions to be living in mortal sin.¹¹

Reflecting the persistent Hispanic notion of the Two Republics as well as the belief in widespread illegitimacy among the castas, the 1778 law pertained exclusively to Indians and Spaniards. Only those Negroes, mulattoes, and mestizos who were militia officers needed parental approval for marriage. The following year, however, the Audiencia, aware of the social reality, extended the law to mestizos and castizos since

these social groups "ought to be distinguished from the other (castas) as was already recognized by law and by public esteem." The oidores still held the black races in much contempt. For example, if an Indian desired to marry a mulatto or Negro, the law obligated the guardian to inform the native of the "serious harm" the union would inflict upon himself and his children. By discouraging Indians from marrying members of the black races, the law aimed to maintain the "purity" and stability of the Indian Republic.¹²

The importance the colonists themselves attached to the institution of marriage is evident in Tables 57-61. Table 57, depicting the relative composition of single, married, and widowed persons in Mexico City in 1790, shows that by age fifty, only 17.7 per cent of the population remained single. As shown in Tables 58 and 59, almost eighty-four per cent of all females had been married by age fifty as compared to eighty-one per cent of all males. Divergent patterns emerge when the proportion of the city's single population is analyzed by race (Table 60). Since the 1790 census did not list civil status by race, I constructed the table using marriage and age data listed in the over 7,000 entries in the *Libros de Reos*. The percentages are slightly inaccurate when compared to the census, but the figures and other marriage data extracted from the police inventories are reliable for purposes of internal analysis. Moreover, I selected the thirty to thirty-four age group as the last unit of analysis since the figures changed slightly in the succeeding years.

A glance at the percentages for each racial group in the thirty to thirty-four age bracket reveals that a greater proportion of Indians had been married, followed by mestizos and Spaniards. Mulattoes lagged far

behind the other races with over one-quarter listed as single. These patterns remain constant for both sexes of each racial group. Table 61 shows that a much larger proportion of capitaleños than migrants married: 15.3 per cent to 21.4 per cent single at ages thirty to thirty-four. It is difficult to ascertain whether the larger percentage of single migrants related either to the tendency for migrants to remain part of their family or to the thousands of single migrants who flocked to the capital in the last half of the eighteenth century. There is some probable truth to both factors.

Another approach to the analysis of family structures is to examine the age at which a person marries. Age at marriage relates to such family characteristics as size of family. Since women bear children more frequently in their late teens and early twenties than in subsequent years, a woman who marries at an earlier age will tend to have a larger family. Age at marriage also indicates the length of time a juvenile remained in his or her family which, in turn, suggests attitudes and practices about sex roles for minors within the domestic unit.¹³

The minimum legal age at marriage was determined by the ability to procreate, that is, the age of puberty. For girls minimum age was twelve while for boys it was fourteen. If a minor reached puberty before these ages, however, the Church could concede the right to marry.¹⁴ The youngest married individuals listed in all court and police records were fourteen and fifteen for girls and boys respectively, thus indicating that marriage rates began to rise for each sex by the mid-teens. As illustrated in Tables 57-59, only 3.8 per cent of all males and females married before they were sixteen, but females married at an earlier age than males: 5.0 per cent to 2.3 per cent. This trend of women marrying sooner

in life continued through the sixteen to twenty-four age group. Whereas fifty-five per cent of all females in this age bracket had been married, only forty-two per cent of all males had taken a spouse. After age twenty-five, the rate of marriage became roughly equivalent for both sexes. The majority of women married between the ages of fifteen and twenty-four while most men married between the ages of twenty and twenty-nine. The precise age differential between mates must await research into the city's parish records.

When compared to the age at marriage data for other parts of New Spain, the figures presented above indicate that juveniles from the capital married much later in life. In colonial Oaxaca, for example, 11.7 per cent of the males and 48.2 per cent of the females were married before reaching sixteen.¹⁵ In Mexico City, minors tended to remain part of the family unit for a longer period of time. Perhaps this accounted for a relatively low birth rate for the capital in the late eighteenth century: 45.6 births per thousand in Mexico City and 51.3 births per thousand in Mixteca Alta.¹⁶ With a small percentage of females in Mexico City marrying before sixteen, family growth proceeded at a slower rate than in southern Mexico where almost one-half of the females had been married by this age. Little wonder the capital owed most of its demographic growth to migration and not to natural increase.

Another issue raised by the age at marriage data is why the men of Mexico City tended to marry later in life. Most historical demographers attribute this delay in marriage to the male's desire to secure a more permanent livelihood on which he could adequately support a family. According to their studies, most men did not marry until they finished an apprenticeship or worked several years to accumulate savings.¹⁷ I

believe, however, that other factors were responsible. As illustrated in Table 62, the majority of males between the ages of fifteen and nineteen were already working as artisans. Although some were still apprentices, the majority of the skilled laborers were journeymen. The decline after age twenty in the percentage of artisans in the labor force and the corresponding increase in the size of the low skilled working force reflects the growing number of skilled workers who abandoned their trades in the face of massive underemployment and unemployment, and who subsequently found jobs in the low skilled sector. Instead of saving money over the years, most workers were hard pressed to attain bare subsistence levels.

I offer an alternative hypothesis to account for a later marrying age, a hypothesis based on the assumption that the lower class family can best be described as a distinct economic entity. As legal head of the family, the father was obligated to provide for all members of the domestic unit. To maximize family income, he rightfully could force the entire family to work, but with women's wages considerably lower than wages paid to men, he found the daughter to be more of a financial burden than an asset. Consequently, fathers tended to push their daughters into marriage at a relatively early age. This was not the case for the sons in the family. The head of household regarded the working son as a necessary contributing member to the family's budget, and as a result, he required the son to remain in the household until his minor status terminated at age twenty-five. Through the father's power of parental consent, any proposed marriage could be denied, and the father could call upon the court to enforce his decision. Because of such factors, almost three out of every five men were still single by age twenty-five.

As seen in Table 60, this hypothesis must be modified to explain the divergent age at marriage rates among the four principal racial groups. The overrepresentation of married men and single women distort the relative percentages, but the trends indicated for each race approximate social reality. More Indians married at a younger age, whereas Spaniards, mestizos, and mulattoes tended to postpone marriage until later in life. What caused the disparities in age at marriage? As suggested by Cook and Borah, Indians often succumbed to the pressure exerted by parish priests and tribute collectors to marry early since married couples paid the highest tribute rate, and thus, early marriage meant greater tribute revenues.¹⁸ With a high proportion of the mulatto working force engaged in such positions as servants and coachmen, members of this race deferred marriage because the live-in status of a domestic often took the place of a marital union.¹⁹ Postponement of marriage by Spaniards perhaps indicated a greater attachment to the Hispanic notion of the father as the economic head of the household, and as a result, parental permission to marry before the termination of minor status was not as automatic as it might have been among other racial groups. Whatever the reasons for the disparate marriage patterns, certain traits emerge from the census and court records: Indians married in larger proportions and at the youngest age, persons classified as gente de razón married later in life and in smaller proportions.

Problems and tensions inherent within lower class families can be analyzed by dividing the court cases into two broad categories. Parent-child offenses, reflecting the sometimes tenuous relations between parent (or guardian) and child, include such crimes as disobedience, running away from home, vagrancy, and refusal to learn a trade. Husband-wife

offenses indicate the types of difficulties faced by the couple, and include crimes of mistreatment, desertion, and physical abuse. Common-law marriages and prostitution form separate, yet related, crime-types which afford additional insight into the nature of lower class family relationships.

The expanding proportion of youth under the age of twenty in the late colonial period alarmed the educated citizenry of Mexico City. Claiming that the young became easily corrupted within the populous and vice-ridden city, the elite feared an epidemic of juvenile offenses.²⁰ To keep minors off the streets, to prevent them from "dissolution, arrogance, gossip and slander," and to offer them a solid Christian education, the municipal authorities, beginning in the 1780's, established a series of primary schools. Enrollment in the escuelas pías increased eighty-seven per cent from 1786 to 1820, but in the years immediately preceding the Independence Wars, a majority of the poor youths were still uneducated.²¹ Despite a growing incidence of offenses committed by youths and the beginnings of a public educational system, strict supervision of juvenile behavior remained the prerogative of the family.

Discipline was enforced through the medieval Hispanic doctrine of Patria Potestad which conceded to the male head of household full responsibility and authority over his legitimate children under the age of twenty-five in return for their unquestioned obedience.²² As master of the family, the father performed various duties through which the domestic unit fulfilled its basic functions.²³ He was obligated to support the children by providing adequate food, clothing, and shelter, and failure to comply could result in prosecution in a formal court trial.²⁴ Child support became the obligation of the mother during a child's first

three years of life, the customary lactation period. According to one nineteenth century writer, breastfeeding was:

a duty which Nature imposes (upon a mother) . . . The life of a child, during lactation, is inseparable from the life of the mother: (the child) is an unripened fruit, which according to Nature, cannot be separated from the tree: this, therefore, should be prevented by law.²⁵

Only when the mother possessed considerably more financial resources than the father did she bear full responsibility for the children's support after they reached three years of age.

Social control of the children was a second duty assumed by the father. By prescribing the rules of conduct and by punishing disobedient children, the head of household was to instill a sense of discipline in the family, and to enforce obedience, the laws granted the father the right of disinheritance. A final duty was to socialize the children into the cultural framework of society by providing moral and religious education, and by teaching, particularly to the boys, job skills or a trade with which they could later support their own families.

In compensation for these parental obligations, the head of household retained two rights over his children. One was the authority to approve marriages; the other was the possession of usufruct rights over his children's belongings, such as their daily earnings.²⁶ With these rights the father had at his disposal legal means with which he could forestall early marriages and augment the family's income.

The court cases involving family offenses of minors reflect the types of problems that often characterized relations between parents and offspring. In 1779, the Audiencia reiterated the maxim that "the natural obligation (of children) is to honor their parents and elders."²⁷

Any disobedience to parental authority not only indicated disrespect, but, more importantly, undermined the *Patria Potestad* exercised by the head of household. Consequently, the courts arrested and tried those juveniles who refused to yield to the authority of the father, mother, or guardian.

As shown in Table 63, disobedience and running away from home were primarily female offenses while males predominated in cases of vagrancy and refusal to acquire job skills. This distinction reflects the divergent roles assigned to the children within the family. Despite an urban setting which traditionally loosens restrictions on women, Mexico City offered more possibilities of independence and freedom to the male youths. While still a minor, for example, a woman could not go into the streets without permission from the head of household. Any infringement was severely punished within the family, and if unable to control the girl, the parents would call upon the courts for assistance. What the court cases indicate, then, is that adolescent girls, even to a greater degree than boys, belonged in the home where they had to submit to the will of the parents.

For boys, most charges pertained to their activities outside the home. As observed in Chapter One, vagrancy related more to a breakdown of parental discipline than to the inability of the urban economy to absorb excessive numbers of unemployed and idle. If a son refused to remain on the job, and instead gambled, stole, or frolicked in the streets, the law obligated the father to report such behavior to the courts which, in turn, treated these offenses as a serious breach of *Patria Potestad*. If the youth did not acquire a job skill by age twenty, he could be severely punished by either the father or the court.²⁸

Tensions between parents and children represented only one side of lower class family life. A more conspicuous and more consequential aspect deals with the problems arising out of marital discord: nonsupport, wife beating, and desertion. The instability of conjugal relations among the poor of Mexico City can be understood only within the context of the employment crisis in the capital and the position of the woman in the family. The lower class family in general exhibited inherent weaknesses which originated from chronic economic difficulties and traditional and legal conceptions of sex roles.

The roles society assigned the husband and wife are most evident in the legal codes and court testimony. At the heart of Patria Potestad is the notion that the family, as an independent organization outside the control of the State, has a sovereign at its head who exercises despotic powers over the personal and economic concerns of the family. As head of household, the male is obligated to support and protect his wife, and, in return, she must obey him in all domestic matters and in those concerning the children and management of property. Thus from birth, the female always lived under the authority of a parent, guardian, or husband, and with the exception of her children's first three years of life, she possessed no more rights than a minor. Only when she became a widow did she enjoy full civil capacity.²⁹

Underlining a woman's legal position was the assumption that the male acquired special rights and obligations because of his inherent "dignity and strength" while she was relegated to a "natural position of inferiority" because of the "weakness and fragility of her sex."³⁰ The ideal wife was one who would respect and be loyal to her spouse, protect his good name, be passive but loving, awaken early and work hard

throughout the day, and most of all, stay off the streets as much as possible so as not to be considered a prostitute.³¹ Wives needed permission from their husbands to leave the home for any purpose. Any married woman who ventured into the streets without prior approval could be arrested and sent to jail for several days before the court released her in the custody of an aggrieved husband.³² Despite women's subordinate legal position, society, out of respect for their "sufferings" during pregnancy, childbirth, and child rearing, bestowed upon them the honor of calling the legal union between two persons matrimony and not patrimony.³³

The legal codes portray women as submissive creatures who lovingly care for their children and husbands. Nothing could be so divorced from social reality. Not all women fulfilled their roles willingly. María Monzón, for example, a twenty-five year old Spaniard from Mexico City, scandalized her neighborhood and embarrassed her husband by not performing the duties required of her sex. Not only did she sell all the furniture in the apartment to support her drinking and gambling habits, but worst of all, she unjustly refused to prepare her husband's meals, wash his clothes, bathe him, and comb his hair. After all, one character witness told the judge, these obligations are what every man expects from his spouse.³⁴ Many women appeared in the police records. For example, they comprised twenty-five per cent of all persons apprehended for public intoxication and twenty-three per cent of the disorderly conduct cases. These percentages, however, are still low when compared to the composition of women in the city's population. As seen through the Libros de Reos, most women publicly fulfilled their assigned roles.

A major problem contributing to the instability of lower class marital life was the financial plight in which the majority of families found themselves. The high percentage of married heads of households in cases of debt (seventy-three per cent) and theft (fifty-two per cent) indicates the fragile economic foundation of the domestic institution. At least four factors were responsible. One was the insufficient wages most workers received as a result of the labor surplus in the capital. The occupational distribution of married men also reveals the economic instability of the family (Table 64). Whereas forty-five per cent of all married workers were employed in low skilled jobs, the proportions of single and widowed laborers in such lower paying positions were only forty-one per cent and thirty-nine per cent respectively. One consolation for married men was that they comprised seventy-four per cent of the male workers at the tobacco factory where underemployment was not as chronic. Nevertheless, these men accounted for merely one-sixth of the married male working force.³⁵

Demographic growth in New Spain at the end of the colonial period, as seen through the evolution of larger families, meant that the wage earner had more mouths to feed despite rising corn prices. Between 1760 and 1821, the mean family size in western Mexico increased by one person, from 4.06 to 5.28. Extended family units were not as common as had been previously assumed, and, in fact, a nuclear arrangement with two to four children predominated. Indian families, however, were generally smaller, and consequently Indians compensated for their prevalence in low skilled jobs by limiting the size of their families.³⁶ The disparity in family sizes between Indians and gente de razón raises some interesting questions. Were Indians more aware of birth control techniques

or did native women rely on self-induced abortion as a way to limit the size of the family?³⁷ Perhaps more research can explain this phenomenon.

Inadequate wages, a large proportion of married men in low paying positions, and growing families all led to the weakening of the economic base of the family in the late eighteenth and early nineteenth centuries. Not only did poor families suffer from insufficient income to provide for the basic necessities, but they also exacerbated their indigence through their inability to properly manage money.³⁸ The method of money handling determined the family standard of living. Men's wages were never sufficient to support an entire family because of society's assumption that the wife and children would also contribute to the family's total income. The male, as head of household, possessed the legal right to manage his spouse's earnings as he saw fit since all income within the family was community property and the male was its sole administrator. He did not need his wife's approval in the handling of family monies, but if he squandered her earnings on such expenses as excessive drinking and gambling, she could file charges in municipal court.³⁹

Hispanic law required all family wage earners under twenty-five or married to the head of household to surrender their incomes to the male who, as manager of the domestic estate, distributed the money to each family member. If the woman kept her own earnings without prior approval from her husband, she could be sentenced, as was Maria Zerrano, to serve a one month jail term.⁴⁰ In general, the family budget consisted of two principal areas: unavoidable household expenses, such as food, rent, clothing and fuel, and flexible pocket money. The financial strength of the family depended on the amount of money the husband gave the wife for household expenses and the amount he kept for personal use. The

evidence indicates that many men retained a large part of their salaries for themselves which forced their wives to manage the household on inadequate resources. The constant movement from apartment to apartment in search of lower rents, the high percentage of married men arrested for public intoxication (sixty-two per cent) and for tavern violations (sixty-six per cent), and the common practice of supporting a mistress in addition to the family all underline the excessive expenditures of pocket money.⁴¹

On the average, at least two-thirds of a worker's salary went for personal expenses. The case of José Vicente Alemán, a forty year old Spanish stonecutter, is representative. On days when he worked in his trade, Alemán customarily dispensed his total salary of six reales by giving one and one-half reales to his wife and two reales to his mistress and by pocketing two and one-half reales for himself to be spent in the pulquerías and local eating establishments.⁴² Another indicator of insufficient household income is the per capita consumption of alcoholic beverages among the lower classes. According to one estimate, the urban poor spent at least two reales every day on pulque and aguardiente meaning that for an underemployed artisan making a maximum daily wage of one peso alcohol alone consumed about sixty per cent of his weekly salary.⁴³ Drink as well as women were two of the prevailing causes of secondary poverty in Mexico City.

Addiction to gambling also diverted money from household expenses. Viceroy Bucareli claimed that gambling was primarily responsible for the "destruction of Families which results in the miserable condition of the children."⁴⁴ There is much truth to his statement. Married men constituted sixty-four per cent of all males arrested for gambling, and

probably most widowers (eight per cent of the arrests for gambling) also had families to support.⁴⁵

Wives lodged numerous complaints in the courts regarding their husbands' spending pocket and even household monies in the gambling parlors and vinaterías. Simón Molina, a thirty-two year old Spanish tailor, was arrested at the request of his spouse for "dissipating in gambling what he earns at work." Another woman complained to the judge that after work her husband went to a casa de juego where he tried to supplement his salary, but that he always came home without any of the day's earnings. Money earmarked for family support went instead to his evening "job."⁴⁶

With their wages lost, the urban poor resorted to pawning their clothes for gambling money and repayment of gambling debts. The taverns, trucos, and casas de juego were cluttered with clothing ranging from handkerchiefs to shirts which the owners had accepted for gambling loans. Indicative of the popularity of this custom is the claim made by one ranking police official that the pawning of clothes by gamblers was the leading cause of nudity in Mexico City.⁴⁷

Excessive gambling led to chronic debt problems. Gambling losses for an artisan could easily range between five and thirty pesos and even up to two hundred pesos in prolonged gambling bouts.⁴⁸ In 1773, Bucareli adopted several measures designed to prevent the accumulation of large gambling debts and to assist those who had already amassed them. In addition to limiting the amount of money wagered in legal games, he stipulated that all bets be in cash and not in pawned merchandise or credit. The foremost purpose of the law, however, was to distinguish between gambling debts, called "false debts" by Bucareli, and debts

contracted in other ways. Gamblers who lost money or clothing in unsanctioned games were not legally obligated to settle with the other players, and if a winner petitioned the court to force payment, the magistrate was obligated to punish him with the full severity of the law. Furthermore, the Viceroy nullified all existing gambling debts, claiming they had no binding effect in any of the colonial tribunals. And while restricting legal recourse to the winner, Bucareli encouraged the debtors to denounce their unlawful creditors in court for the dual purpose of recovering their losses and punishing the creditor.⁴⁹ Although the 1773 law was unable to help the debtor who was personally threatened into liquidating the debt, it nevertheless removed any implied government sanction on gambling.

Despite such laudatory measures, lower class families in Mexico City still faced persistent financial difficulties which, combined with the inferior position of the wife within the conjugal unit, gave rise to a series of marital abuses. Charges of mistreatment (malos tratamientos) constituted the largest number of marital offenses. A male offense, mistreatment was a crime which encompassed numerous transgressions, particularly nonsupport, physical assault, excessive drinking and gambling, extramarital affairs, or what was customarily called sevicia or extreme cruelty.⁵⁰ It is indicative of marital tension that almost one-half of all charges filed by wives against their husbands were for cases of mistreatment.⁵¹ Court records contain hundreds of stories of women who claimed that their husbands squandered all or most of the earnings on vices, leaving the family to fend for itself. Throughout sixteen years of marriage, the wife of José Bustos "suffered . . . an intolerable life characterized by daily beatings and drunken sprees." Valentina Jiménez

charged her husband with habitually leaving the family completely naked after selling their clothes to pay for his pulque and mistress. Rosa García complained to the judge that her spouse "treats me like a lowly slave" and Juana Hernández pressed charges of mistreatment because her husband forced her to submit to anal intercourse. The universal complaint found in the mistreatment offenses was nonsupport, that is, the husband misused family funds and refused to give his wife "what is necessary to survive."⁵²

Data gleaned from the arrest records yield more insight into the nature of marital mistreatment. As seen in Table 65, eighty-three per cent of the offenders were between twenty and thirty-nine. Indicative of the tendency for males to marry later in life was the underrepresentation of men under twenty. Cases of mistreatment clustered in the twenty to thirty-nine year bracket since these years represented the period of greatest marital adjustment, a period of growing families and burgeoning financial obligations. Did lower arrest rates for men older than thirty-nine indicate that husbands later became more responsible or that their wives relied less on the courts because they became less dependent upon their spouses as the children grew older and began to contribute earnings to the family's welfare?

Contrary to contemporary opinion, workers in low skilled positions were not the primary offenders in cases of marital neglect, and, in fact, artisans were heavily overrepresented in such offenses (Table 66). Although skilled workers comprised the city's lower class occupational elite, they were, according to police figures, the most negligent in the handling of money and treatment of their wives. As indicated in Table 67, migrant families were not immune to marital abuse, and they

actually represented a higher proportion of mistreatment cases than families native to Mexico City. Abuse of the wife was not entirely an urban phenomenon.

Another common trait of lower class marital relations was a high incidence of interpersonal violence among family members. Of all persons apprehended for homicide and aggravated and simple assault, forty-one per cent had attacked other members of the family, and many more assault offenses were never officially reported by the victim for fear of reprisal.

Individuals arrested for violent crimes were drawn from all segments of the urban poor. Married Indian males between the ages of twenty and twenty-nine who worked as artisans and who hailed from Mexico City were responsible for most of the violence in the capital. This composite, however, ignores the wide range of individuals apprehended for violent crimes. Two-thirds of all offenders were married, and women accounted for almost three out of every ten arrests, a fairly high figure given the male-oriented nature of Mexican lower class society. Indians represented more than one-half of all arrests, but creoles and peninsulares did account for thirty per cent.

Interpersonal violence was a form of behavior widely sanctioned throughout all sectors of the urban poor. Most crimes of violence were not committed for criminal purposes as the colonial authorities believed, but were instead the outcome of patterns of social behavior in the lower class subculture.⁵³ Violence resulted from anxiety induced by the basic insecurities of life. The frequent use of physical force to settle marital disputes, even if they ended in murder, represented a correct cultural response in many situations, especially in those dealing with personal honor, fulfillment of social roles, and money.

The vast majority of crimes of aggression signified a spontaneous reaction to a difficult situation.⁵⁴ The authorities considered the motivational factors to be trivial, but for the urban poor, these factors embodied what they valued and cherished.⁵⁵ The most common motive of marital violence found in the criminal records pertains to the nonfulfillment of social roles. That is, either spouse, but particularly the husband, would assault the other for not carrying out socially defined and accepted roles within the family. José Barcena, for example, beat his wife with an earthen pot "since she did not give him his supper quickly." Juan Valdés regularly hit his spouse because of her daily drinking sprees and her inability to properly feed and care for the children. In the case of Felipe Guardiola, the court ruled that the beatings he administered to his wife were justified on the grounds that she often disobeyed him by leaving the house without his permission.⁵⁶ Female instigated domestic violence, on the contrary, was primarily the result of the husband's refusal to support the family.⁵⁷

Marital and common-law infidelity was another familiar motive of intrafamilial violent crimes. Convinced that her husband supported another woman, María Gertrudis Guzmán seriously wounded Damiana Murilla when she saw her in public with her spouse. Ylario Callejas continually beat his wife with a stick claiming that she was secretly "visiting" another man. José Tirado attacked his common-law partner with a knife because she wanted to discontinue the illegal union they had maintained for over one year. A typical fight between sex rivals occurred one evening in the vinatería of La Barata. Manuel Aviles and his wife María Rosa Arze were drinking aguardiente when his mistress, Agustina Pérez, entered the tavern looking for the wife. A fight erupted between the

two women over who would live with Aviles, and Arze subsequently retained her husband temporarily by sending her adversary to the hospital.⁵⁸

Through an analysis of the offender-victim relationship, more can be learned about the nature of family violence among the urban poor. The municipal government's contention that violence between strangers ravaged Mexico City is unfounded.⁵⁹ On the contrary, in seventy-five per cent of the cases, the offender had some personal relationship with the victim. Table 68, listing the offender-victim relationship between acquaintances, shows that spouses were the targets of aggression in thirty-eight per cent of the cases, acquaintances in twenty-three per cent, relatives in sixteen per cent, sex partners or sex rivals in thirteen per cent, and co-workers in ten per cent.

In fifty-five per cent of all cases of male instigated violence, the victim was the same sex. Of all women attacked by men, the wife was the victim in fifty-seven per cent of the cases. The widespread incidence of wife beating is further confirmed by the data presented in Table 68. The percentage of wife as victim was more than two times greater than the next category of victims (forty-five per cent wife as victim to seventeen per cent acquaintance as victim). And the percentage would have been higher if the police had recorded cases of mistreatment as crimes of physical assault. As a whole, men directed most of their violence within the family. That is, fifty-eight per cent of all their victims were either spouses or close relatives. As also seen in the legal codes, domestic discipline was the domain of the male head of household.

Patterns of female violence reflect the social role of women in colonial Mexico. Women channeled violence primarily at other women.

In over three out of five cases, the victim was the same sex. When a woman attacked a man, he was more likely to be an acquaintance or a sex partner rather than a spouse. Of all males assaulted, the husband was the victim in only twenty per cent of all cases. Women exhibited violent patterns of conduct, but they were not conditioned to attack their spouses. In contrast to male aggression, women directed violence outside the family. In only forty-four per cent of all cases were the victims either spouses or other family members. I suggest that the social and legal position of the wife within the family had much to do with creating a cycle of violence among the urban poor. Male aggression, often growing out of a need to demonstrate virility or control over the wife, resulted in widespread wife beating which culminated in the woman displacing her cumulative hostility on persons outside the nuclear and extended family.

This cycle of violence played a prominent part in the socialization of aggressive behavior. With sixty-eight per cent of all offenders listed as married and fifty-four per cent of all victims members of the offender's family, the transmission of values and attitudes towards the function of interpersonal violence came about merely by direct observation and participation in the home. Peer and occupational groups later reinforced such patterns of conduct. Guerras de calles (street fights) between juveniles from adjoining neighborhoods were weekly occurrences in the capital during the eighteenth century despite stringent penalties for transgressors.⁶⁰ Moreover, violence meted out by master artisans to their apprentices over minor matters was commonplace and had the court's approval if the victim filed charges against his superior.⁶¹ Interpersonal violence was an integral part of lower class life, not just in the family, but also in neighborhood and work-related activities.

Indulgence in vices, mismanagement of wages, financial crises, nonsupport, and wife beating are evidence of the serious tensions in marital relationships which explain the high rate of desertion among the urban poor. Under specified and limited conditions, the Church could annul marriages, but excessive legal fees excluded the vast majority of the poor from this form of marital dissolution.⁶²

The arrest records reveal several unexpected patterns in cases of desertion (Tables 69-71). In five out of eight cases, it was the wife who left the husband. Do these figures reflect higher desertion rates among women or merely greater reliance on the courts by their spouses? The evidence is contradictory. On the one hand, over one-half of the court charges filed by men against their wives was related to abandonment and/or subsequent common-law marriages. On the other hand, the vast majority of female deserters (seventy-three per cent) had provincial origins which perhaps indicates that these women succumbed to the "freedom" of the city and used the opportunity to abandon an abusive mate and find a more responsible male as an informal marriage partner. Whatever the conclusion, the undeniable fact is that women left their husbands and that their spouses wanted them reunited with the family.

Tables 70 and 71 illustrate that desertions were most common between the ages of twenty and twenty-nine. Reflecting the respective ages at marriage patterns, women, more so than men, tended to abandon their mates at an earlier age. Female desertion clustered in the twenty to twenty-nine age bracket, but married women under twenty also committed this offense in numbers exceeding their proportion of the city's population. No men under twenty were charged with desertion, but male deserters constituted a disproportionate number of cases in the twenty to forty-nine age group.

To maintain stable and permanent conjugal relationships upon a fragile economic foundation was often difficult, and consequently many lower class families lacked cohesiveness. Love and affection, two marital ideals, did not provide the necessary cement to bond a couple facing extreme financial hardships. As seen through court testimony, men generally left their wives either because they were unable to support their families properly or because they became committed to a life of vice and refused to channel their pocket money into household expenses. The employment crisis in the capital was a major disrupter of marriages since annually thousands of men from Mexico City abandoned their families and journeyed to other provincial cities in search of steady jobs.⁶³ Data from the police inventories reinforce the claim that men deserted their wives because of scarce financial resources. Whereas artisans accounted for forty-four per cent of all offenders, workers in lower paying non- or semiskilled trades comprised the remaining fifty-six per cent.

Women generally left their mates for reasons of nonsupport and physical abuse. Ygnacia Arziniega, for example, a twenty-six year old Spaniard from Jilotepec, abandoned her husband and two small children since he spent all his earnings on pulque and gambling and kept the rest of the family continually in need. For her own safety, María Rodríguez deserted her spouse after the repeated beatings he administered during their three year marriage.⁶⁴

The incidence of abandonment by either marriage partner is impossible to determine with any precision, but the evidence suggests high rates of desertion. One indicator is the hundreds of abandoned children, some as young as seven years, who roamed the streets of Mexico City each day.⁶⁵ In 1790, private and public orphanages could accommodate only 392

parentless children, leaving many more subject to the atrocities of street life. The court endeavored to provide the juvenile offender a stable home life either by, if a girl, locating a married couple who would accept the responsibility of parental supervision or, if a boy, turning the youth over to a master artisan who would teach him a useful trade.⁶⁶

High desertion rates can be more readily seen in the high incidence of common-law marriages among the poor of Mexico City. Couples forming such marital arrangements were said to be living under the "concept of marriage" since they had established a household without the required church ceremony.⁶⁷ Historians have mistakenly referred to common-law marriages as a form of concubinage, and consequently the sexual dimensions of the relationship tend to be stressed. The terms free union, common-law, and informal marriage minimize the role sex played in the union, and emphasize instead that these unsanctioned marriages served the same functions as legally constituted marriages. Sexual relations were merely one aspect of the common-law relationship.⁶⁸

The problem in studying consensual unions heretofore was the absence of written records, but through the data available in the Libros de Reos, patterns of informal marriages now can be reconstructed. By the late 1780's, both secular and ecclesiastical courts exercised jurisdiction over the crime of incontinence, and by the following decade, the civil tribunals of Mexico City handled the majority of the offenses.⁶⁹ As a result, the police inventories contain valuable information about informal marital relationships among the urban poor.

If used to determine the rate of desertion in lower class families, the aggregate figures on the percentage of married persons arrested for

maintaining a common-law marriage are misleading (Tables 72-74). Single offenders accounted for over one-half of the arrests while married persons comprised only thirty per cent. When examined on an individual basis, the cases, as presented in Table 75, show that the incidence of family dissolution was considerably higher. That is, in forty-six per cent of all informal unions, at least one of the partners had abandoned his legal mate and had formed a common-law marriage. And the percentage was even greater since an indeterminable number of married persons maintained these unions under the pretense of being single or widowed. Indicating perhaps a desire to establish a small household which would be easier to support, fifty-eight per cent of all married persons formed informal marriages with single persons while only twenty-four per cent and eighteen per cent respectively lived with other married persons or widows.

Nearly one-half of all the illegally constituted marriages in Mexico City were formed by at least one person who had deserted his or her family. But just how common were informal marital unions among the urban poor? After their visit to Peru in the mid-eighteenth century, Jorge Juan and Antonio de Ulloa reported that colonists from all parts of the region openly practiced common-law marriage and that they considered such marital arrangements completely acceptable.⁷⁰ The same statement is applicable for Mexico City. Although most of the urban poor legally married at one point in their lives, the incidence of informal unions in the capital was considerably higher than in rural Mexico and in contemporary European and North American societies.⁷¹

A growing rate of marital desertion and formation of common-law unions in the late colonial period forced the crown in 1815 and 1818 to

issue legislation prescribing severe punishment for these offenders of public morality.⁷² Figures gleaned from the 1790 city census explain such action. As Table 57-59 show, 17.7 per cent of the population remained single at the end of the marriageable period, that is, over fifty years of age, with 19.4 per cent of the men and 16.3 per cent of the women never marrying. Historical demographers concur that the proportion of those never married in any given population serves as an approximate indicator of the extent of common-law marriages, and that the rate of such marriages is excessively high if more than fifteen per cent of the population remain unmarried after reaching the age of forty-five.⁷³ When compared to European and North American census data, the Mexico City figures underline the high incidence of informal unions among the poor. In the nineteenth century, the percentage of single persons above the age of forty-five in such countries as the United States, Italy, Spain, and Russia were respectively ten, eleven, six and three per cent.⁷⁴ It is true that being unmarried does not necessarily mean that one has established an informal marriage. Cook and Borah, however, present evidence for provincial urban centers showing that less than five per cent of all families consisted of only one person. Most individuals listed in the census as never married or widowed were living in some form of informal marital arrangement.⁷⁵

Incontinence rates, however, differed among the various racial groups. Listing the age at which members of the different races remained single, Table 60 illustrates that common-law marriages were more frequent among mestizos, Spaniards, and particularly mulattoes with respectively 18.3, 20.0, and 26.4 per cent of all persons between the ages of thirty and thirty-four classified as unmarried. The data for Negroes suggests that

by age thirty-five, at least one-third remained single. The commonly-held assumption that the increase in the black population of colonial Mexico was the result of a high rate of informal unions is statistically confirmed, although the rates for other races, especially Spaniards, were not much lower.⁷⁶

The level of incontinence was lower among Indians since civil and church officials, as previously mentioned, exerted pressure on the natives to form legal marriages in order to increase tribute collections.⁷⁷ Despite this coercion, the proportion of unmarried Indians in Mexico City was more than four times greater than among rural Indians; that is, only 3.8 per cent of the native population in the provinces remained single while 16.3 per cent of the Indians residing in the capital never married.⁷⁸ Urban life had a liberating effect upon Indian marriage patterns, and the indigenous population tended to form almost as many consensual unions as did the *gente de razón*.

The popularity of this marital custom in Mexico City led to a vigorous police campaign in the 1790's designed to reduce the number of common-law marriages. The police assumed a more active role in the apprehension of incontinent offenders. In 1796 and 1798, for example, they apprehended almost three out of four offenders brought to trial for illegal cohabitation. Only one-quarter of the arrests were made after a complaint had been filed. Although most of the poor maintained their illegal marital relationships openly, the enforcement program forced an increasing number of couples to move into new neighborhoods and publicly live as siblings. As a countermeasure, the police employed informers to gather any incriminating evidence from the neighborhood gossips.⁷⁹ Despite the police campaign, common-law marriages remained a

prevalent form of marital union among the urban poor, and probably at one time, at least one-half of the adult population of the city had lived in a casual marital relationship.⁸⁰

Precisely, who were these people who formed common-law marriages? Tables 76 and 77 list the ages of the offenders. The figures, however, do not necessarily reveal the age at which the poor entered into a consensual union. With the majority of these unions terminating within two years, a forty year old single person arrested for incontinence may have been living in a first, second, or even fifth informal marriage.⁸¹ The data presented in the two tables nevertheless provide major trends in such marriages. Similar to patterns in ceremonial marriages, women tended to enter into consensual unions at an earlier age than men: eighteen per cent of females arrested under twenty years as compared to eleven per cent for men. Reflecting the practice of widows or abandoned wives forming informal households after their husbands had died or deserted them, the rate of offenses among women in the thirty to thirty-nine age group is overrepresented.

An analysis of the 336 cases of incontinence listed in the Libros de Reos reveals that most couples formed consensual unions in their late teens and early twenties. The median age of all offenders was 23.4 years, but taking into consideration the unstableness of conjugal relationships, whether legal or not, this figure must be revised downward by a minimum of two years. As in legal marriages, men tended to be older than women. The median age for males was 24.7 years, but for female offenders it was only 22.0 years.

Offenders from the provinces were proportionately better represented although the police arrested more provincial women than provincial men

(Table 78). Probably as a result of housing patterns in the capital, the tendency for migrants was to form consensual marriages with other persons from the provinces. Sixty-four per cent of all migrants lived informally with other migrants, and of these, forty-five per cent were with persons from the same province and twenty-three per cent were with persons from the same community. Mexico City served as a refuge for those migrants who wanted to escape marital strife or find marital bliss. Two lovers from Otupa left their spouses and journeyed to the capital where they hoped their illicit relationship would go unnoticed.⁸² Provincial women especially regarded Mexico City as a way out of a burdensome marriage. Juana María Gutiérrez, for example, abandoned her husband in Valladolid since he had refused to support the family. Leaving the children with her negligent spouse, she found a more supportive informal partner in the capital.⁸³

One final issue regarding the relationship between common-law partners is the extent of racial "intermarriage" in the informal unions. Demonstrating that legally constituted marriages generally took place between members of the same race, historians have then stated that most racial miscegenation was the product of consensual unions. Magnus Morner concluded that "the concubines of the whites were usually of darker skin . . . concubinage continued to provide the normal form for inter-ethnic sexual relations."⁸⁴ In their study of colonial Mexican marriage patterns, Cook and Borah concur with Morner: "racial mixing usually involved informal union rather than marriage . . . Since marriage between an Indian woman and a Spaniard was generally regarded as a step down in the social scale for the Spaniard, much racial mixing came about through informal unions and casual pleasures."⁸⁵

Data based on analysis of 348 arrests show that racial patterns in common-law marriages mirrored those in legal marriages. As seen in Table 79, intraracial consensual unions constituted three out of every five informal partnerships. Of all interracial unions, those between Indians-mestizos, Spaniards-mestizos, and Indians-Spaniards represented over seventy-five per cent. Contrary to Morner's belief in the prevalence of unions between Indians and Negroes or mulattoes, such unions accounted for only two per cent of all common-law marriages.⁸⁶ The urban poor did not establish and maintain informal unions merely to avoid the stigma of racial intermixture. Incontinent relationships were marriages in all but legality.

Consensual unions represented a marital custom practiced throughout all sectors of the urban poor, and evidence indicates the incidence of informal marriages increased in the late colonial period. Financial hardship was the principal cause for the high rate of common-law marriages. Clerical fees, for example, presented an obstacle for many unmarried couples who desired a church marriage, but who were unable to afford one. While the purchasing power of the poor declined throughout the eighteenth and early nineteenth centuries, the fees given to the priest for services rendered rose, with the cost of a marriage ranging between two and eight pesos.⁸⁷ Since nuptial fees consumed from one-half to more than a full month's salary for low skilled and semiskilled workers, many couples abandoned the idea of a church ceremony and established a household without the priest's blessing.⁸⁸

The formation of such common-law marriages shows that many couples thought in terms of a permanent relationship from the outset of the union. Only scarce resources prevented them from becoming legally

sanctioned partners. The poor also formed consensual marriages in order to meet temporary needs. Mexico City's economically deficient environment, as seen in a high desertion rate, meant a greater fluidity in living relationships, fluid so men could leave the family to find employment wherever available, and so women could find other mates who could support them.⁸⁹ Many legal and illegal marriages dissolved within several years, but the poor, compelled by their desire to survive, realized that the domestic institution could best meet their daily problems. Common-law marriage became a relationship in which partners exchanged money and services. The man provided the bulk of support, although the woman contributed what little she earned, and she performed the traditional household chores of cooking, caring for any children, and providing sex. Such a relationship represented a pooling of economic, physical, and emotional resources the poor needed to subsist.

Men typically formed consensual unions for the purpose of domestic stability and child care, but for women, particularly those widowed, abandoned, or unmarried with illegitimate children, a common-law arrangement meant a modicum of financial support. Census figures reveal the extent of this problem of maintenance. Widows comprised twenty-six per cent of the female population of Mexico City in 1790, with each widow supporting on the average one to three children. Even single women had at least one or two children to support, whether they were illegitimate or were given to them by relatives.⁹⁰ Although legally required to support any daughter under twenty-five years of age, many families, pressed by other financial obligations, were unable to do so, thus leaving the woman to fend for herself.⁹¹ The plight of such women is evidenced in the court testimony of a young widow with four children:

I am an unfortunate widow, with three young girls, relying on our personal labor for support; you are well aware how little such a poor woman earns for working so hard which by working day and night, barely suffices to support us, and although I have a (seven year old) boy who is a tailor's apprentice . . . he is still unable to help me . . . being necessary to feed and dress (my girls), I endeavor (to work) as much as possible.⁹²

The plight of the partnerless woman related to the economic position of women in colonial urban society. Contemporary opinion denied an established occupation to women. In the arrest inventories, for instance, the jail scribe never recorded the occupation of a female prisoner although this information was almost always present for male prisoners. More significant factors than official opinion were the surplus of female labor in Mexico City as a result of migration and a lower female mortality rate.⁹³ At times, employment became so scarce that women dressed as men to try to secure a position in a textile factory or artisan workshop.⁹⁴ Traditional female jobs ranged from selling produce in the markets, to preparing tortillas and tamales in the eating houses surrounding the taverns, to working as a maid for either a private household or religious community.⁹⁵ Work performed in the home, such as spinning, weaving, and sewing, were popular forms of employment, but unfortunately for women, some artisans exercised similar skills. Tapping the proficiency of these women, Viceroy Azanza in 1799 permitted the hiring of women in those guilds that "are compatible with the strength and decency of their sex." Not only would the measure be of "great utility for the public cause," but also women would be more able to find meaningful support for themselves and their families.⁹⁶ With unemployment

and underemployment rates high among artisans, it is not surprising that Azanza's law was virtually ineffective, so ineffective that whenever a woman entered a guild, the hiring received much attention in the city's newspaper.⁹⁷

Some fortunate women, however, established small-scale retail businesses or became employed at the tobacco factory. Married women owned one out of four stores in the populous second cuartel mayor, and in some minor districts, they controlled almost one-third of the shops. The majority of the establishments were sweetshops and candleshops, although women also owned aguardiente taverns and apothecaries. The municipal government levied taxes on less than five per cent of their stores, indicating that most of the shops consisted of little capital investment. Slightly more than one-half of the owners called themselves Spaniards, but even mestizo and Indian women could set up a petty retail establishment if they possessed some capital.⁹⁸

As it was for men, the tobacco factory was the largest employer of women. At any time, they comprised no less than forty per cent of the factory's 7,000-8,000 working force. Female employees were permitted to bring their children to work, a practice particularly beneficial to women without any family or willing neighbors to care for their offspring.⁹⁹

The number of women in Mexico City always exceeded the number of available jobs, especially when curtailed production in the tobacco factory forced the release of many workers of both sexes. Unable to secure steady support and maintain a partnerless family on low wages, women often turned to common-law marriage as the solution. Abandoned by her husband, Rafaela Barbuena, a twenty-five year old Spaniard from Mexico City, and her three young children established a household with a married

man who also had been deserted by his spouse. As long as she cooked his meals and submitted to him sexually on demand, the relationship remained stable. Other widowed and single women with children received as much as two reales daily from their informal partners. Some women, such as Bernarda Galán, maintained two common-law households. Claiming to have "sinned out of necessity," Galán alternated her time with two employees of the Acordada. For her efforts, she earned as much as two pesos a day, more than enough to care for herself and her fatherless children. One sixteen year old deserted woman lived with two soldiers, residing with one while the other was stationed in the provinces. The men never bickered over the arrangement asserting that she performed her duties admirably for both.¹⁰⁰

Overall, women from Mexico City lived informally with men who were in a better economic position to provide support. Whereas forty-six per cent of the provincial women maintained common-law unions with artisans, fifty-nine per cent of the women from the capital resided with skilled workers. This pattern should not be too surprising since almost two-thirds of all female migrants established a household with other migrants, and provincial men traditionally worked in lower paying trades.

Although economically expedient, the formation of common-law marriages eliminated one of women's staunchest allies: the courts. Magistrates could not force a man to support his informal family since he was not held responsible for any obligation inherent in the doctrine of Patria Potestad. Nor could the woman file charges against her partner for wife beating or nonsupport since the judge would have thrown her into jail for her marital arrangement. Consequently, any serious tension in common-law marriages generally meant immediate dissolution since neither partner could make any effort to save the union through court action.¹⁰¹

As was the case for men, numerous women resorted to illegal activities to support their families. Compounding the female job crisis was that the largest surplus of women over men (100:153) was concentrated in the sixteen to twenty-five age bracket, the peak marrying age for women, and the ratio remained at a relatively high level in the twenty-five to forty year group (Table 80). Not all women could marry or find a common-law partner, although what probably developed was a form of serial monogamy in which women intermittently established households with men while men, if they desired, lived in legal and informal relationships almost continually.

Periods of unemployment or underemployment and the absence of male support forced many women to survive by adopting behavior considered overtly criminal. An indicator of their precarious financial condition is that robbery rates were almost three times greater for widows than for widowers.¹⁰² As de facto heads of households, women also rented their apartments to gamblers who paid them enough for food and other daily expenses. The magistrates of the lower tribunals realized that a vigorous police campaign to eradicate these gambling parlors would harm the hundreds of women who relied on the money earned from this unlawful activity.¹⁰³

One of the most common forms of illegal support adopted by women was to convert their apartments into unsanctioned drinking taverns, especially into casas de pulque and tepacherías. Women owned two-thirds of the 850 illegal taverns in Mexico City. As seen in Tables 81-83, these women tended to be Spaniards over twenty-nine who were either widowed or married, although the latter probably had been abandoned. The proliferation of illegal taverns in Mexico City testifies

not only to their popularity among the poor, but also to their capability of providing income for a needy woman and her children.

Widows and abandoned married women found support in the *casas de pulque* and *tepacherías*, but for single women, commercial sex represented a viable economic alternative. Sex was a profitable trade. For each sexual encounter, a prostitute customarily earned between two and four reales, or as much as four times more than the average female wage rate.¹⁰⁴ If permitted to keep all the money for herself, an active prostitute could earn more than a highly skilled artisan such as a silversmith.

Commercial sex flourished in Mexico City, and even the crown, despite formally prohibiting prostitution in 1623, regarded it as a "necessity."¹⁰⁵ The police mounted no campaign to rid the capital of prostitutes. As long as the brothels were congregated in specified self-contained streets and did not cause any public disturbances, the authorities allowed the prostitutes to ply their trade. The municipal government's ban on street solicitation was ineffective, and even the courts readily acknowledged that prostitutes worked on all the city's streets and alleys.¹⁰⁶

All women who participated in commercial sex cannot be grouped into one category of offenders. Distinctions emerged among prostitutes, between the professional on the one hand who made a living from commercial sex, and the casual prostitute on the other who occasionally sold her body in times of extreme financial necessity. Professional prostitution was not as common and existed primarily for the more than 5,000 troops stationed in Mexico City. Soldiers frequented the brothels so often that fathers regarded such men as "bad company" for any young daughter.¹⁰⁷

Professional prostitutes, as seen in Table 84, were overwhelmingly young, with eight out of ten under thirty years of age, and with three

per cent under fifteen. Tables 85-87 show that they were primarily single, although widows were only slightly underrepresented, and that they were primarily Spanish, although mestizos and mulattoes were overrepresented. More than one-half migrated from the provinces, over seventy per cent of whom came from the areas immediately surrounding the capital: Distrito Federal and the states of Mexico and Puebla. Many of the young prostitutes had run away from their provincial homes and "took shelter with the whores" since the brothels offered protection and livelihood in the unfamiliar city. The magnetic attraction of brothels for runaway girls was so well-known that private citizens searched them first for missing relatives.¹⁰⁸ Married women who had been deserted by their spouses did not enter the ranks of the professional prostitutes in large numbers, but for some, such as Juana María Medrano, a forty year old mestiza, prostitution offered the only steady means of support.¹⁰⁹ And as Table 88 suggests, whenever married women became prostitutes, they were more than likely natives of Mexico City.

Professional prostitutes who worked independently out of their own apartments or with small groups of prostitutes were better off financially because they kept all their earnings for themselves. The prostitutes, particularly the young provincial girls, who lived in brothels or who rented rooms in lodging houses were generally supervised by male and even female pimps.¹¹⁰ Most pimps were over forty years of age, and the women were often former prostitutes. Professional prostitution did offer promising financial rewards, but with the constant beatings the women received at the hands of their pimps and clients, and with the prospect of remitting all or most of their earnings to their pimps, such an occupation was not as attractive as it may have appeared.¹¹¹

The majority of women who engaged in prostitution did so on an occasional basis only, when they were pressed for additional money. Taking advantage of widespread sexual promiscuity among the urban poor, the casual prostitute participated in certain forms of prostitution which differed slightly from customary values in the lower class subculture.¹¹² These prostitutes worked primarily in taverns and on the streets, and by exposing themselves more often to the police, had higher arrest rates than professional prostitutes. An example of the typical occasional prostitute was Ana María Villaverde, a twenty-two year old widow from Puebla, who, while laid off from the tobacco factory, supported her family by engaging in commercial sex in her apartment. She did so well in her adopted trade that she earned on the average of three and one-half pesos each day.¹¹³

The data in the arrest records reveal several differences between casual and professional prostitutes (Tables 84-87).¹¹⁴ Whereas eighty per cent of the hard core prostitutes were under thirty, only two-thirds of the occasional prostitutes fell into this age group. Even older women, especially those between thirty and thirty-nine periodically engaged in commercial sex. Two glaring distinctions are found in the race and origin of the offenders. Contrary to professional prostitutes, the majority of casual prostitutes came from Mexico City, although provincial women were still overrepresented in the number of arrests. While committed prostitutes tended to be mestizos, mulattoes, or Spaniards, Indians were heavily represented among casual prostitutes. Indian women may have been reluctant to commit themselves to a life of prostitution, but they did not refrain from commercial sex when conditions warranted. Both types of prostitutes show a remarkable degree of similarity in their

marital status. Single women predominated, but abandoned women did engage in commercial sex.

In summary, the lower class family in Mexico City during the late colonial period was beset by a series of interrelated problems, mainly economic in origin, which led to high rates of juvenile disobedience, intrafamily violence, nonsupport, desertion, common-law marriages, and prostitution. It is mistaken to assume that the lower class family was in a deteriorating, chaotic, and normless state unable to cope with the hostile urban environment. Domestic offenses were not pathological, but functional. That is, family behavior, however criminal or deviant it may have been to the social elite, can better be interpreted in terms of problem-solving responses to the hardships confronting the urban poor. For example, economic necessities often determined the fluidity of legal and illegal marital arrangements. Prostitutes, both professional and casual, should not be regarded as sexual deviants since the inability to secure meaningful support on a regular basis dictated their behavior. Given the economic uncertainty of the period, one could hardly expect family members to adopt behavior which would have conformed to elite norms.

How did the courts handle the problem of domestic instability among the urban poor? The importance the courts attached to the institution of the family can be readily seen in the sentences the magistrates imposed in such infractions as disobedience, vagrancy, desertion, nonsupport, and mistreatment. As seen in Table 89, the courts returned the offender to the family in three out of every five sentences. In six per cent of the cases, the courts required a couple living together informally to marry, and the formation of formal criminal trials in thirteen per cent of the cases generally represented an attempt to force

offenders into marrying a common-law partner or supporting a wife. The five per cent of the cases involving a work sentence pertained to a juvenile's refusal to learn a trade and his remission to either an artisan's workshop or obrage. In keeping with the doctrine of *Patria Potestad*, the courts infrequently used punishment, such as incarceration, forced labor, or corporal punishment, to enforce family discipline.

In cases involving family instability, the courts employed all their power to persuade and coerce families to remain together, men to support their children and spouses, and children to respect their parents. More than other elites, the magistrates, in daily contact with the poor, better understood the problems lower class families faced. In most cases the courts acted as arbitrators of disputes, reuniting estranged mates for example, but when necessary, the courts enforced domestic discipline by imposing formal punishment. Maintaining that the family served as the basis of a stable social order and that a unified family meant respect for the law, the magistrates did all they could to preserve, reinforce, and strengthen family ties. Given the fluid nature of domestic relationships, however, the courts ultimately exerted minimal influence on the family life of Mexico City's poor.¹¹⁵

NOTES

1. Gibson, Aztecs, pp. 151-152 and 269-270; Cook and Borah, Essays in Population History, I, 119-299; Woodrow Borah and Sherburne F. Cook, "Marriage and Legitimacy in Mexican Culture: Mexico and California," California Law Review, 54 (May, 1966), 946-1008.
2. The Pandectas hispano-mexicanas is an excellent source for colonial family law in Mexico.
3. Gazetas de México, November 29, 1791, pp. 439-440. A shortage of published court fees facilitated deceit.
4. "Aranzel de los escribanos de cámara de la Real Sala del Crimen," July 9, 1741, AGN, Bandos, vol. 3, fols. 232-236v; "Sobre abusos en la exacción de derechos de la cárcel de la Diputación," AJT, Penal, vol. 12 (1810), exp. 68. Also see AGJ, Penal, vol. 1 (1802), exp. 18.
5. Rodríguez de San Miguel, Pandectas, III, 207.
6. AGJ, Penal, vol. 2 (1803), exp. 16.
7. For Partida IV, see Rodríguez de San Miguel, Pandectas, II.
8. Recopilación de leyes, Lib. VI, tit. 9, leyes 3 and 28. Also see Lib. V, tit. 5, ley 5.
9. Ibid., Lib. IX, tit. 26, ley 24.
10. Although the crown in 1514 permitted marriages between Indians and Spaniards, interracial marriage was often restricted throughout the colonial period. Recopilación de leyes, Lib. VI, tit. 1, ley 2. See Magnus Morner, Race Mixture in the History of Latin America (Boston, 1967), Chapters Three and Four for a full discussion.
11. Rodríguez de San Miguel, Pandectas, II, 375-382 and 384-385. If parents or guardians unjustifiably refused to give their consent, the minor could request permission from a local judge.
12. Bando, Mayorga, June 3, 1782, AGN, Bandos, vol. 12, fol. 133v; For the real acuerdo de Audiencia, see Rodríguez de San Miguel, Pandectas, II, 378-382.
13. In the following analysis of age at marriage, I grouped the ages into five year brackets due to a tendency for the ages to be heaped at certain ages, especially sixteen, eighteen, and twenty and all subsequent years ending in the digits 0 and 5. A year by year analysis of age at marriage is thus rendered useless.

14. Juan Sala, Sala Mexicano, 6 sea: la ilustración al derecho real de España (4 vols.; Mexico, 1845-49), I, 317 (hereafter cited as Sala Mexicano). The Third Provincial Mexican Council (1535) established strict penalties for priests who marry prepubescent minors. Toribio Esquivel Obregón, Apuntes para la historia del derecho en México (4 vols.; Mexico, 1937-43), III, 48.

15. Cook and Borah, Essays in Population History, II, 270-285.

16. Ibid., p. 297.

17. J. Hajnal, "European Marriage Patterns in Perspective," in Population in History, eds. by D.V. Glass and D.E.C. Eversley (Chicago, 1965), pp. 132-133.

18. Borah and Cook, "Marriage and Legitimacy," p. 963. See Gibson, Aztecs, pp. 151 and 504-505 note 72.

19. Another reason was high rates of consensual unions among mulattoes.

20. Gazetas de México, September 21, 1790, pp. 1-24.

21. Dorothy T. DeEstrada, "The 'Escuelas Pías' of Mexico City, 1786-1820," The Americas, 31 (July, 1974), 51-71.

22. For the complete statement of Patria Potestad, see Rodríguez de San Miguel, Pandectas, II, 368-467, and Sala Mexicano, I, 293-301 and 367-401.

23. In the absence of the father, the legal obligations fell respectively upon the mother, paternal and maternal grandparents and guardians. Sala Mexicano, I, 297-298 and 374.

24. LR: AO (1795), fols. 9v-10.

25. Sala Mexicano, I, 296. See Partida IV, título 19, ley 3.

26. Colonial law divided a minor's belongings into three categories: bienes protectivos, or property the minor accumulates by using the father's possessions; bienes adventicios, or salary or inherited properties; bienes castrenses, or earnings gained during military or royal service. Over the first category of belongings, the father exercised both possession and usufruct; over the second, he possessed only usufruct; over the third, he had no legal rights of possession or usufruct. See Partida IV, tit. 19.

27. Rodríguez de San Miguel, Pandectas, II, 381.

28. All cases of refusal to learn a trade involved boys under twenty, almost two-thirds of whom were under fifteen. The arrest records indicate that a boy was expected to have job skills at least before his sixteenth year.

29. Sala Mexicano, I, 295 and 326-327.

30. Ibid., p. 258.

31. Josefina Muriel de la Torre, Los recogimientos de mugeres (Mexico, 1974), pp. 15-16.

32. See, for example, LR: C (1796), fol. 8.

33. Rodríguez de San Miguel, Pandectas, II, 392.

34. AJT, Ienal, vol. 8 (1801), exp. 42.

35. "Estado general de la población," AGN, Impresos Oficiales, vol. 51, exp. 48. I most gratefully thank D. Lorne McWatters for providing me with employment data for the Mexico City tobacco factory. Mr. McWatters, a doctoral candidate at the University of Florida, is completing a dissertation on the tobacco monopoly in eighteenth century Mexico.

36. Cook and Borah, Essays in Population History, I, 170-183.

37. In the colonial period, the most common abortion method was to drink patel. Muriel de la Torre, Los recogimientos de mugeres, p. 26. Since all races suffered from improper medical care, I do not believe that smaller Indian families were the result of a higher infant mortality rate among Indians.

38. The theory of secondary poverty was introduced by B.S. Rowntree, Poverty: A Study of Town Life (2nd ed.; London, 1902).

39. Rodríguez de San Miguel, Pandectas, II, 447-448. Also see Sala Mexicano, I, 326-327.

40. AGJ, Penal, vol. 2 (1803), exp. 18.

41. Bando, Revillagigedo, December 31, 1791, AGN, Bandos, vol. 16, fol. 108; LR: AB (1798), fol. 28v. See Chapter Five, Table 92.

42. AJT, Ienal, vol. 4 (1790), exp. 1; LR: AO (1796), fol. 126v; LR: AB (1798), fol. 19v.

43. See Chapter Five.

44. Bando, Bucareli, February 14, 1773, AGN, Bandos, vol. 8, fols. 49-51.

45. See Chapter Three, Table 47.
46. AJT, Penal, vol. 2 (1783), exp. 52; LR: AO (1796), fol. 61v. For additional examples, see AJT, Penal, vol. 4 (1790), exp. 28; vol. 8 (1800), exp. 5; AGJ, Penal, vol. 1 (1802), exp. 39; vol. 3 (1805), exp. 2.
47. AJT, Penal, vol. 4 (1790), exp. 38. Also see AJT, Penal, vol. 3 (1792), exp. 53; vol. 5 (1792), exp. 53; AGJ, Penal, vol. 1 (1802), exp. 63.
48. AGJ, Penal, vol. 2 (1803), exp. 9.
49. Bandos, Bucareli, February 14, 1773, AGN, Bandos, vol. 8, fols. 49-51.
50. See, for example, AJT, Penal, vol. 6 (1795), exp. 25; LR: AO (1795), fol. 3v; LR: AO (1796), fols. 48v, 65, 118 and 134.
51. Forty-eight per cent of all charges were for mistreatment, twenty-two per cent for incontinence, eight per cent for abandonment, seven per cent for extramarital sexual relations, four per cent for drunkenness, and eleven per cent for miscellaneous offenses.
52. AJT, Penal, vol. 12 (1810), exp. 61; AGJ, Penal, vol. 2 (1803), exp. 12; LR: AO (1795), fol. 31v; LR: AB (1800), fol. 15v.
53. The police maintained that violent behavior was often premeditated. Barela to Villaurrutia, October 12, 1807, AGN, Policia, vol. 34, fols. 55-56.
54. The types of weapons used in violent crimes add more evidence to the notion that aggressive acts were basically unplanned responses to tense situations. Data from the Libros de Reos indicate that illegal offensive weapons (armas prohibidas) were infrequently used in homicides and assaults, and that most weapons consisted of hands, sticks, or rocks. Thus, the offender, angered by an insult or by the sight of his wife with another man, used any accessible weapon to vent his fury.
55. Bando, Bucareli, April 14, 1773, AGN, Bandos, vol. 8, fol. 54v. Bucareli complained that the reasons why the lower classes fight are "very slight."
56. LR: AO (1796), fols. 48v, 66v and 76.
57. See, for example, LR: AO (1795), fol. 1.
58. LR: AO (1795), fols. 10v-11 and 24v-25; LR: AB (1800), fol. 8v.
59. AGN, Ayuntamiento, vol. 107, exp. 1; AGN, Historia, vol. 58, exp. 21.

60. Beleña, Recopilación sumaria, I, 4th, XV.
61. See, for example, LR: AO (1795), fol. 6.
62. Sala Mexicano, I, 329-330. An ecclesiastical tribunal could dissolve a marriage for reasons of impotency, sodomy, bestiality, heresy, and incurable contagious diseases. In reading over 10,000 complete and summary criminal cases, I located only one divorce of an indigent couple. LR: AO (1795), fol. 24v.
63. AGJ, Penal, vol. 1 (1802), exp. 30; LR: AO (1796), fols. 61v and 103.
64. LR: AO (1796), fols. 37 and 124; LR: AO (1807), fol. 49v.
65. LR: C (1796), fols. 3v-4.
66. "Estado general de la población," AGN, Impresos Oficiales, vol. 51, exp. 48; LR: AO (1796), fol. 61.
67. LR: AO (1796), fol. 55v; Sala Mexicano, I, 323-324. Also see Borah and Cook, "Marriage and Legitimacy," pp. 947-949; Cook and Borah, Essays in Population History, II, 275-276.
68. Morner stresses the sexual dimensions of common-law relationships. See Race Mixture, pp. 25-27 and 40.
69. Rodríguez de San Miguel, Pandectas, III, 440-441 and 454-455; AJT, Penal, vol. 2 (1782), exp. 48; vol. 3 (1789), exp. 69.
70. Jorge Juan and Antonio de Ulloa, Noticias secretas de América (Buenos Aires, 1953), pp. 384-386.
71. Borah and Cook, "Marriage and Legitimacy,"; Hajnal, "European Marriage Patterns."
72. Rodríguez de San Miguel, Pandectas, III, 7-8.
73. See Borah and Cook, "Marriage and Legitimacy" and Hajnal, "European Marriage Patterns."
74. Hajnal, "European Marriage Patterns," pp. 45-49 and 102.
75. Cook and Borah, Essays in Population History, I, 192. In Durango in 1777, 1.21 per cent of all families consisted of one person, in Antequera in 1777 4.25 per cent, and in Guadalajara in 1822 4.38 per cent.
76. See Edgar F. Love, "Marriage Patterns of Persons of African Descent in a Colonial Mexico City Parish," Hispanic American Historical Review, 51 (February, 1971), 79-91.

77. Borah and Cook, "Marriage and Legitimacy," pp. 957-959 and 963.
78. Ibid., pp. 962-965 and 995.
79. LR: AO (1796), fol. 93v; LR: AB (1798), fol. 17.
80. Cook and Borah claim that marriage patterns formed in the colonial period persisted until the mid-nineteenth century, after which a greater number of indigent couples became legally married. Essays in Population History, II, 275-276.
81. LR: C (1794), fol. 42; LR: AO (1795), fol. 43.
82. LR: AO (1795), fols. 3-3v; LR: AO (1796), fols. 84 and 142; LR: AB (1800), fol. 17v.
83. AJT, Penal, vol. 3 (1789), exp. 69; LR: AO (1796), fol. 114.
84. Morner, Race Mixture, p. 40.
85. Borah and Cook, "Marriage and Legitimacy," p. 961.
86. Morner, Race Mixture, p. 40.
87. Gibson, Aztecs, pp. 125-126.
88. Morner mistakenly assumed that the eighteenth century witnessed a growing number of church marriages because the poor, as a result of the Bourbon economic growth, were more able to afford the clerical fees. Race Mixture, p. 66.
89. Humboldt, Political Essay, I, 247-254. Humboldt reported that a "great number of men" left Mexico City to secure jobs in the expanding mining centers.
90. "Estado general de la población," AGN, Impresos Oficiales, vol. 51, exp. 48. The figures for the average household size for widows and single women are based on census accounts of the Bishoprics of Puebla and Oaxaca. Cook and Borah, Essays in Population History, I, 150-158. The authors believe that households in urban centers were slightly larger.
91. LR: C (1794), fol. 23v. In this case, the court released a man charged with intoxication since he had to support an unmarried sister.
92. AJT, Penal, vol. 8 (1800), exp. 27.
93. See Chapter Two for a discussion of female migration patterns. Other urban centers such as Queretaro and Valladolid also possessed an excess of women. Humboldt, Political Essay, I, 254.

94. See, for example, LR: AO (1796), fol. 131.
95. AGN, Policía, vol. 19, fol. 19; LR: AO (1795), fols. 23v-24; "Estado general de la población," AGN, Impresos Oficiales, vol. 51, exp. 48.
96. Bando with cédula, Azanza, April 22, 1799, AGN, Bandos, vol. 20, fol. 22. Azanza merely put into effect a royal order issued twenty years earlier by Charles III. The King wanted to employ women in appropriate guilds, thereby releasing needed men to work in agriculture and the military.
97. Gazetas de México, February 26, 1805, p. 248.
98. See inventory of all retail establishments in cuartel mayor II in AGN, Policía, vol. 17, fols. 56-59v.
99. I again thank D. Lorne McWatters for providing me with data on employment patterns in the tobacco factory.
100. AJT, Penal, vol. 2 (1782), exp. 45; vol. 3 (1785), exp. 13; vol. 4 (1790), exps. 1 and 19; AGJ, Penal, vol. 1 (1802), exp. 49; LR: AO (1795), fols. 6v-7.
101. See the following cases for illustration of this point: LR: AO (1795), fol. 15v; LR: AO (1796), fol. 88.
102. Of all widows and widowers arrested for petty theft, twenty-seven per cent were men and seventy-three per cent were women.
103. AJT, Penal, vol. 8 (1800), exp. 5; LR: AB (1798), fol. 27.
104. AJT, Penal, vol. 6 (1794), exp. 11; vol. 7 (1797), exp. 20.
105. Rodríguez de San Miguel, Pandectas, III, 453. Also see José María Ots Capdequí, El estado español en las Indias (4th ed.; Mexico, 1965), p. 112.
106. AGJ, Penal, vol. 1 (1802), exp. 36; LR: AO (1796), fol. 122. Juan and Ulloa maintained that public prostitution was absent in Peru because of the popularity of common-law marriages. Their statement is not applicable to Mexico City in the late colonial period. Noticias secretas de América, pp. 384-385.
107. AJT, Penal, vol. 4 (1790), exps. 8 and 39; AGJ, Penal, vol. 2 (1803), exp. 16; LR: AO (1795), fols. 23-23v. For the number of troops in Mexico City, see Humboldt, Political Essay, II, 81-82, and Lyle N. McAlister, The "Fuero Militar" in New Spain, 1764-1800 (Gainesville, 1957), pp. 93-99.

108. LR: AO (1795), fols. 1 and 9v.
109. Ibid., fols. 4v-5.
110. For data on independent professional prostitutes, see AJT, Penal, vol. 4 (1791), exp. 67; vol. 6 (1794), exp. 11; vol. 7 (1797), exp. 20; LR: C (1794), fol. 54. Information on pimp-related prostitution can be found in AJT, Penal, vol. 7 (1797), exp. 16; LR: AO (1795), fols. 1, 4v-5, 9v and 23-23v; LR: AO (1807), fols. 18v-19.
111. AJT, Penal, vol. 4 (1790), exp. 8; LR: AO (1795), fol. 37v; LR: AO (1796), fols. 46, 99 and 100-100v. For legal codes and royal legislation dealing with pimps, see Rodríguez de San Miguel, Pandectas, III, 455-457.
112. LR: AB (1798), fols. 12-12v; LR: AO (1807), fol. 17v. Sexual orgies were commonplace in the public steambaths and in the public toilets constructed next to the pulquerías. AJT, Penal, vol. 5 (1791), exp. 28; AGN, Historia, vol. 60, exp. 2, fols. 42v-43; AGN, Policía, vol. 33, fols. 252-252v; vol. 15, exp. 1.
113. AJT, Penal, vol. 7 (1797), exp. 16. Also see AJT, Penal, vol. 6 (1795), exp. 20.
114. Although the figures for occasional prostitutes include women arrested solely for sexual promiscuity, I believe that the majority of offenders were women engaged in commercial sex.
115. For a more detailed discussion of court sentences and practices, see Chapter Six.

TABLE 57
POPULATION OF MEXICO CITY, 1790:
MARITAL STATUS
(PER CENT)

Marital Status	Under 16	16-25	25-40	40-50	Over 50
Single	96.2	50.0	19.5	18.0	17.7
Married	2.3	44.2	63.6	49.6	39.1
Widowed	1.5	5.8	16.9	32.4	43.2
Population 86,378					

Source: "Estado general de la poblacion de Mexico, capital de Nueva Espana...ano de 1790," AMN, Impresos Oficiales, vol. 51, exp. 48.

TABLE 58
MALE POPULATION OF MEXICO CITY, 1790:
MARITAL STATUS
(PER CENT)

Marital Status	Under 16	16-25	25-40	40-50	Over 50
Single	97.7	57.4	20.2	19.7	19.4
Married	0.9	39.9	73.3	65.9	56.0
Widowed	1.4	2.7	6.5	14.4	24.6
Population 36,919					

Source: "Estado general de la poblacion de Mexico, capital de Nueva Espana...ano de 1790," AMN, Impresos Oficiales, vol. 51, exp. 48.

TABLE 59

FEMALE POPULATION OF MEXICO CITY, 1790:
MARITAL STATUS
(PER CENT)

Marital Status	Under 16	16-25	25-40	40-50	Over 50
Single	95.0	45.0	18.9	16.7	16.3
Married	3.4	45.1	56.6	36.4	25.0
Widowed	1.6	9.9	24.5	46.9	58.7
Population 49,459					

Source: "Estado general de la poblacion de Mexico, capital de Nueva Espana...ano de 1790," ANH, Impresos Oficiales, vol. 51, exp. 40.

TABLE 60

AGE AT WHICH SINGLE BY RACE
(PER CENT)

Age	Spanish	Indian	Mestizo	Mulatto
15-19	82.9	78.7	85.8	84.0
20-24	52.7	43.8	41.7	52.1
25-29	30.1	26.5	27.2	26.5
30-34	20.0	16.3	18.3	26.4
Total casos 4,139				

TABLE 63
JUVENILE OFFENSES: SEX OF OFFENDER
(PER CENT)

Sex	Disobedience	Runaway	Vagrancy	Refuse Trade
Male	39	44	87	100
Female	61	56	13	0
Total cases	95			

TABLE 64
OCCUPATION BY MARITAL STATUS
(PER CENT)

Occupation	Single	Married	Widowed
Low skilled	41	45	39
Artisan	53	51	56
Merchant	1	2	3
Other	5	2	2
Total cases	4,452		

TABLE 65
MISTREATMENT: AGE OF OFFENDER

Age	Per Cent	Census
Under 20	4	14
20-29	55	36
30-39	28	21
40-49	9	16
Over 49	4	13
Total cases 53		

TABLE 66
MISTREATMENT: OCCUPATION OF OFFENDER

Occupation	Per Cent	Census
Low skilled	42	43
Artisan	54	40
Merchant	2	7
Other	2	10
Total cases 50		

TABLE 67

MISTREATMENT: ORIGIN OF OFFENDER

Origin	Per Cent	Estimate
Mexico City	55	58
Provincos	43	41
Other	2	1
Total cases	53	

TABLE 68

VIOLENT CRIMES: OFFENDER-VICTIM RELATIONSHIP
BETWEEN ACQUAINTANCES
(PER CENT)

Victim	Male Offender	Female Offender	All Offenders
Spouse	45	20	38
Acquaintance	17	40	23
Other family	13	22	16
Sex partner or sex rival	11	18	13
Co-worker	14	0	10
Total cases	182		

TABLE 69

DESERPTION: SEX OF OFFENDER

Sex	Per Cent	Census
Male	37	42
Female	63	58
Total cases 24		

TABLE 70

DESERPTION: AGE OF OFFENDER

Age	Per Cent	Census
Under 20	13	15
20-29	58	37
30-39	21	21
40-49	8	15
Over 49	0	12
Total cases 24		

TABLE 71

DESENTION: AGE OF OFFENDER BY SEX
(PER CENT)

Age	Male	Census	Female	Census
Under 20	0	14	20	16
20-29	45	36	67	37
30-39	33	21	13	21
40-49	22	16	0	15
Over 49	0	13	0	11
Total cases 24				

TABLE 72

INCONTINENCE: MARITAL STATUS OF OFFENDER

Marital Status	Per Cent	Census
Single	55	28
Married	30	53
Widowed	15	19
Total cases 417		

TABLE 73

INCONTINENCE: MARITAL STATUS OF MALE OFFENDER

Marital Status	Per Cent	Census
Single	57	31
Married	37	60
Widowed	6	9
Total cases 198		

TABLE 74

INCONTINENCE: MARITAL STATUS OF FEMALE OFFENDER

Marital Status	Per Cent	Census
Single	53	27
Married	24	47
Widowed	23	26
Total cases 219 .		

TABLE 75

INCONTINENCE: MARITAL STATUS OF PATIENTS

Marital Status	Per Cent
Single-single	37
Single-married	27
Single-widow(er)	15
Married-married	11
Married-widow(er)	8
Widow-widower	2
Total cases	372

TABLE 76

INCONTINENCE: AGE OF MALE OFFENDER

Age	Per Cent	Census
Under 20	11	14
20-29	55	36
30-39	20	21
40-49	7	16
Over 49	7	13
Total cases	202	

TABLE 77
INCONTINENCE: AGE OF FEMALE OFFENDER

Age	Per Cent	Census
Under 20	18	16
20-29	45	37
30-39	26	21
40-49	3	15
Over 49	8	11
Total cases	221	

TABLE 78
INCONTINENCE: ORIGIN OF OFFENDER BY SEX
(PER CENT)

Origin	Male	Female	Estimate
Mexico City	55	53	58
Provinces	44	47	41
Other	1	0	1
Total cases	412		

TABLE 79
INCONTINENCE: RACIAL COMPOSITION OF
COMMON-LAW MARRIAGES

Race of Partners	Per Cent
Spanish-Spanish	25
Indian-Indian	25
Indian-Mestizo	14
Spanish-Mestizo	10
Mestizo-Mestizo	9
Indian-Spanish	7
Spanish-Mulatto	5
Indian-Mulatto	2
Mestizo-Mulatto	1
Mulatto-Mulatto	1
Spanish-Negro	1
Total cases	348

TABLE 80
MALE/FEMALE AGE POPULATION RATIOS
OF MEXICO CITY, 1790

Age	Male/Female Ratio
Under 7	100:115
7-16	100:126
16-25	100:153
25-40	100:146
40-50	100:141
Over 50	100:133
Total population	100:136

Source: "Estado general de la poblacion de Mexico, capital de Nueva Espana...ano de 1790," AGN, Impresos Oficiales, vol. 51, exp. 48.

TABLE 81
MARITAL STATUS OF WOMEN PROPRIETORS
OF ILLEGAL TAVERNS

Marital Status	Per Cent	Census
Single	8	27
Married	70	47
Widowed	22	26
Total cases	23	

TABLE 82
RACE OF WOMEN PROPRIETORS
OF ILLEGAL TAVERNS

Race	Per Cent	Census
Spanish	55	46
Indian	26	28
Mestizo	16	19
Mulatto	3	7
Total cases	38	

TABLE 83
AGE OF WOMEN PROPRIETORS
OF ILLEGAL TAVERNS

Age	Per Cent	Census
Under 20	2	15
20-29	38	37
30-39	30	21
40-49	10	15
Over 49	20	12
Total cases	60	

TABLE 84
AGE OF PROFESSIONAL AND OCCASIONAL PROSTITUTES
(PER CENT)

Age	Professional	Occasional	Census
Under 20	33	22	16
20-29	47	44	37
30-39	17	25	21
40-49	3	7	15
Over 49	0	2	11
Total cases 180			

TABLE 85
MARITAL STATUS OF PROFESSIONAL
AND OCCASIONAL PROSTITUTES
(PER CENT)

Marital Status	Professional	Occasional	Census
Single	54	55	27
Married	23	23	47
Widowed	23	22	26
Total cases 180			

TABLE 86

RACE OF PROFESSIONAL AND OCCASIONAL PROSTITUTES
(PER CENT)

Race	Professional	Occasional	Census
Spanish	44	41	45
Indian	23	37	28
Mestizo	23	15	20
Mulatto	10	7	7
Total cases 179			

TABLE 87

ORIGIN OF PROFESSIONAL AND OCCASIONAL PROSTITUTES
(PER CENT)

Origin	Professional	Occasional	Estimate
Mexico City	43	52	58
Provinces	57	48	42
Total cases 178			

TABLE 88
ORIGIN OF PROFESSIONAL PROSTITUTES
BY MARITAL STATUS
(PER CENT)

Origin	Single	Married	Widowed
Mexico City	37	57	43
Provinces	63	43	57
Total cases	30		

TABLE 89
COURT SENTENCES FOR FAMILY OFFENSES

Sentence	Per Cent
Returned to family	59
Punishment	13
Formal case	13
Marriage	6
Work	5
Exile	2
Fine	1
Other	1
Total cases	316

CHAPTER FIVE DRINK AND DRINKING PLACES

A Spanish visitor to Mexico City in the late eighteenth century was impressed not only with its opulence, but also with the excessive numbers of drunks he saw throughout all sections of the city.¹ Data taken from the police records underline the prevalence of intoxicants. Drink-related offenses which include public intoxication, tavern violations, and illegal sale of intoxicants accounted for more than forty-five per cent of all arrests in 1798. Twenty-four per cent were for tavern infractions, twenty-one per cent for drunkenness, and less than one per cent for the unlawful sale of alcoholic beverages. These figures corroborate contemporary statements that drink crimes represented the most commonly committed offense in Mexico City in the late colonial period.² The intent of this chapter is to examine the function of intoxicants among the lower classes and to discuss what, where, and why they drank. I will conclude by analyzing the measures the colonial authorities adopted to control the drinking customs of the poor and the reasons why the reforms failed.

Alcoholic beverages, especially pulque, tepache, and aguardiente, assumed a central role in the lives of the urban poor. The authorities frowned upon drunkenness although they encouraged the moderate use of unadulterated pulque because of its assumed medicinal properties and its revenue-raising capabilities. Yet the poor often consumed large quantities of these intoxicants. In 1798, the police apprehended over 2,300 persons for public intoxication, or approximately three per cent of the

drinking age population.³ During the day and evening, the streets of the capital were so cluttered with unconscious drunks that the guarda-faroleros needed four carts to haul the bodies to the overcrowded municipal jail. Even the steps of the Cathedral served as a repository for the fallen drinkers.⁴ The arrest records, however, do not accurately depict the incidence of drunkenness since the police apprehended only a fraction of inebriated persons. The pulquerías, for example, sold enough pulque daily to serve almost 62,000 customers.⁵ Using such information, the Consulado conservatively put the number of drunks in Mexico City at 12,000 each day. Consequently, about thirteen per cent of the drinking age population was inebriated daily, and the percentage was substantially higher on the eighty-five religious holidays when entire neighborhoods drank themselves into a state of unconsciousness.⁶

The widespread use and abuse of intoxicants relate to the physiological and social functions performed by these beverages among the urban poor. Contemporaries maintained that the moderate consumption of pulque was essential for the sustenance of the lower classes. The crown regarded pulque as a "healthful and medicinal" beverage which, as part of the daily diet, was necessary to insure proper health.⁷ Humboldt wrote that "when taken in moderation (pulque) is very salutary, and by fortifying the stomach assists the functions of the gastric system."⁸ During the winter and rainy seasons, moreover, consumption of pulque produced a feeling of warmth, as is indicated in the custom of drinking to "warm oneself."⁹ Alcohol was also believed to impart physical strength. As a result of inadequate diets, the calories provided by the sugar in the pulque was a vital source of energy for the urban poor. One crown attorney contended that pulque helped the lower

class laborers avoid sickness and fatigue since it "refreshes, nourishes and enables them to recover their strength to continue with greater or equal ardor in their jobs."¹⁰

Pulque became the leading thirst-quencher for the poor owing to the scarcity of drinking water in the capital and the contamination of much of the water supply. It was no accident that the majority of the taverns were located in sections of the city most afflicted by water problems. Even the wealthy drank pulque on doctor's orders to avoid gastrointestinal disorders.¹¹

The poor and sick alike valued pulque and aguardiente particularly for their medicinal properties. Physicians and folk healers prescribed these intoxicants for the treatment of "innumerable" illnesses.¹² As a sedative, alcohol suppresses the sensation of pain, and the sick, feeling better after consuming an intoxicant, assumed that the "beverage had the quality of medicine for the particular illness."¹³ The mixing of pulque or brandy with orange juice was the most popular concoction for alleviating such infirmities as fever and even smallpox and typhus.¹⁴

In addition to their manifest role in the diet of the poor, intoxicating beverages performed other functions which contemporaries did not recognize. The consumption of excessive amounts of these beverages allowed one to demonstrate one's virility or machismo, and consequently, alcohol use among the poor acted as a way to measure social status where access to individual achievement in the larger society was severely limited.¹⁵ The value of intoxicants, however, lies mainly in their anxiety-reducing function. The majority of the urban poor lived on the bare edge of existence, threatened by an unstable supply of corn, epidemics, and chronic unemployment and underemployment. Laboratory studies

have shown that alcohol as a sedative lessens irritations resulting from environmental stresses and emotional tensions.¹⁶ Thus the lower classes sought solace and oblivion in the intoxicants sold in the taverns and streets of the city.¹⁷

The value of intoxicating beverages among the poor can be seen in their availability in Mexico City. At the beginning of the nineteenth century, there were approximately 1,600 legal and illegal taverns distributed throughout the capital. Of the legal bars, forty-five were pulquerías, 593 were vinaterías, and 120 were retail establishments such as pulperías, tiendas mestizas, and cafeterías which sold aguardiente at reduced prices.¹⁸ The 850 casas de pulque and tepacherías accounted for the bulk of the unsanctioned taverns. Combining all the drinking places in the city, the capital offered one for about every fifty-six persons over fifteen years of age. This calculation does not include the countless number of women who sold pulque in the streets each evening after the pulquerías closed at sunset, or the numerous pulque stalls scattered throughout the markets.¹⁹

Per capita consumption of legal intoxicants serves as another indicator of the value the poor attached to alcohol. Estimating such figures is quite hazardous due to the large volume of alcoholic beverages that entered the city as contraband, but I will compensate for this by selecting years when legal consumption was down, and by using contemporary figures which indicate that fifty per cent of all pulque and fifteen per cent of all aguardiente was consumed illegally.²⁰

Pulque was by far the most popular drink. Each person within the drinking age population consumed approximately 187 gallons annually, or slightly more than one-half gallon daily. These figures become more

realistic after realizing that the smallest drinking vessel in the pulquerías and casas de pulque held one and one-half quarts and the largest almost six quarts, or one and one-half gallons. The consumption of either container would put a person close to the daily per capita figure or well over it.²¹

Consumption of aguardiente was significantly less, but its higher alcohol content compensates for this difference. In 1797, one year after the legalization of colonial manufactured aguardiente, each person over sixteen drank about two and one-half gallons of cane brandy. With a decrease in price after legalization, per capita consumption increased to approximately four gallons by 1804.²² Pulque consumption dropped within two years after legalization as more of the urban poor turned to the highly intoxicating aguardiente. Despite this temporary trend, pulque remained the principal drink in the lives of the lower classes at the end of the colonial period.

Analysis of the police records indicates the groups most prone to commit drink crimes in general and drunkenness in particular. As seen in Table 90, men constituted three out of every four arrests for intoxication. The low percentage of female arrests did not mean that women neither drank nor became inebriated. It represented instead the attitude held by both upper and lower class men on women's drinking customs. They expected respectable women to drink in the home, not in the taverns. Those who became publicly intoxicated had obviously forgotten the "natural modesty of their sex."²³ Data from the Libros de Reos underline these attitudes. The percentage of women apprehended in legal and illegal taverns was extremely low: only seventeen per cent for *vinatería* violations and twenty-one per cent for illegal tavern violations. Through

their de jure and de facto control over the family, male heads of households discouraged female attendance at drinking places, particularly vinaterías, contending that drinking in public often led to sexual promiscuity. Respectable women, therefore, were often accompanied by a male member of the family to supervise conduct.

Widows, as a result of greater personal freedom, were heavily overrepresented in the arrests for intoxication, accounting for forty-one per cent of female arrests while comprising only twenty-six per cent of the female population (Table 91). The high arrest rate of single women in vinaterías probably indicates the presence of a large number of casual prostitutes who congregated in these bars. The overrepresentation of married women in the illegal drinking places suggests the more family-oriented nature of these neighborhood taverns.

Widows numerically and proportionately constituted the largest number of female offenders for intoxication, but married men represented the bulk of males arrested for all drink offenses (Table 92). More than three out of five men apprehended for inebriation and tavern violations were legally married, and the percentage of men with children and marriage partners was higher as countless single men and widowers lived in common-law arrangements. That men with families dissipated their incomes on intoxicants is confirmed in the aggregate judicial records.

As illustrated in Table 93, intoxication was not a crime of the young. Only three per cent of all offenders were under twenty. Over sixty per cent were thirty and over while this age group comprised less than one-half of the city's population. This pattern also describes the age distribution for both sexes, although male offenders were slightly older than females.²⁴ Different patterns emerge when analyzing the data

according to race. Table 94 indicates that Indians of both sexes apprehended for intoxication were considerably younger than members of other racial groups. Indians under thirty accounted for forty-five per cent of all Indian arrests, but mestizos, Spaniards, and mulattoes under thirty respectively represented thirty-eight, twenty-nine, and twenty-five per cent of the arrests. Among offenders over thirty-nine, Indians accounted for the fewest arrests (twenty-four per cent) while Spaniards represented the most (forty-two per cent).

Merchants and workers in trades involving managerial or educational skills were not prone to public inebriation (Table 95). Low skilled laborers and particularly artisans were overrepresented in the number of arrests. Skilled workers comprised the bulk of the offenders mainly because their higher wages enabled them to purchase intoxicants on a more regular basis. Artisans customarily visited the *vinaterías* and *pulquerías* before going to work, and many returned during the mid-morning work break. The chief problem, according to Viceroy Revillagigedo, was that far too often the workers never reported to work in the early morning or never went back to the workshops after the break.²⁵ On days when they were idle, artisans spent the entire day consuming most of the previous day's wages.²⁶ Perpetually unemployed or low skilled laborers, often lacking the resources to imbibe as frequently as the artisans, merely lounged around the taverns waiting for a friend to offer a drink.²⁷

Certain workers earned reputations for immoderate drinking, especially those who engaged in strenuous manual labor. As seen through their overrepresentation in the arrest records, porters (seven per cent) and canal barge operators (three per cent) accepted heavy drinking as a norm because of the nature of their work. Magistrates routinely sentenced

the drunken cargadores on the assumption that they "always practiced the custom of becoming inebriated."²⁸ Contemporaries believed that men who performed hard labor needed alcohol to maintain physical vigor. Not only did intoxicants supply energy, but their sedative effect provided comfort for the pain and fatigue that was part of hard work. Since these trades did not require skilled tasks, the amounts the workers consumed were not necessarily detrimental to their job performance.²⁹ In some instances, alcohol actually made manual labor more efficient. José Alzate openly admired the arduous work performed by the rowers of the heavy canal barges which transported food and supplies between Chalco and Mexico City at rates exceeding two miles an hour. Stripped almost completely naked, the rowers, generally two to a barge, walked the vehicles through the night, exposing themselves to thunderstorms or frosts in order to deposit their cargo at daybreak. Alzate was amazed such work did not physically harm the barge operators:

I used to think that these men were made of iron, and that they would not live very long by virtue of a fatigable occupation; but this is not so, because many of the rowers do become old.³⁰

Noticing their intemperate habits on "repeated occasions," Alzate believed that only by consuming large quantities of intoxicating beverages did the rowers maintain their health and physical strength.

Of all racial groups, Indians were thought to be the most susceptible to intoxicants, especially aguardiente, and drunkenness and Indian became virtually synonymous.³¹ The data presented in Table 96 confirm such beliefs and statements. Indians had excessively high rates of inebriety. Although constituting only twenty-eight per cent of the population, they accounted for fifty-five per cent of all intoxication cases.

The police apprehended so many Indians that mestizos, mulattoes, and particularly Spaniards were underrepresented in the number of arrests. Negligible differences emerge when the data is controlled for sex, with the exception that Indian women had higher arrest rates than Indian men: fifty-eight per cent and fifty-three per cent respectively. In terms of absolute numbers, Indians from Mexico City outnumbered those from the provinces. As illustrated in Table 97, however, the percentage of provincial Indians exceeded the percentage of migrants of other races, and Indians accounted for almost three out of every five migrants arrested for drunkenness (Table 98).

Historians have generally attributed the intemperate drinking customs of the Indians to the disintegration of native society after the Conquest in the sixteenth century. Within ten years after the defeat of the Aztecs, the crown issued the first in a long series of laws which aimed to reduce widespread drunkenness among Indian society.³² According to Charles Gibson, the Indians responded to the defeat by drinking to excess which subsequently converted the natives of New Spain into one of the most inebriated peoples in the annals of history.³³ Yet the destruction of the pre-Colombian empire does not sufficiently explain the continuance of high rates of Indian intoxication in Mexico City at the end of the colonial period. Other factors were more instrumental. One was that Indian culture over the centuries had legitimized and accepted to a greater extent the intemperate drinking practices which originated in the post-Conquest calamity. What transpired throughout the colonial period was a process of reverse acculturation. That is, poor Spaniards, mestizos, and mulattoes gradually adopted native drinking patterns. This process did not culminate in the Bourbon era, however, as intoxication

rates among the urban poor rose unceasingly throughout the nineteenth century as more of the racially and culturally fused lower classes took to immoderate drink in larger numbers.

Migration patterns also played a key role in determining the prevalence of inebriation among the different racial groups. As seen in Chapter Two, Indians accounted for forty-seven per cent of the migrants who settled in Mexico City, with the vast majority coming from small villages. Accustomed to the relatively stable and familiar social order of the village, the natives, especially those who journeyed directly to the capital, became alienated in the ever-changing and foreign city. Forced to reside in the shabbiest shelters and to find employment in the lowest paying positions, the Indians responded to the anxieties of urban life by adopting drinking as a defense mechanism. In his study of primitive peoples, Horton concludes that societies broken up by contact with more socially complex groups "invariably" had high degrees of in-sobriety since they possessed inadequate techniques or resources to maintain their physical existence.³⁴ His findings are valid for the excessive rates of Indian intoxication in Mexico City in the late eighteenth and early nineteenth centuries. Coming from larger population centers in the provinces, Spaniards, mestizos, and mulattoes were better equipped to cope with the tensions induced by urbanization in the expanding capital.

Two factors contributing to the high incidence of intoxication among the poor were the prevalence and function of the drinking places. According to a visitor to Mexico City in 1777, each street, even those in the inaccessible outskirts, had on the average a minimum of three or four taverns.³⁵ By 1810, this number had sharply increased. All taverns,

both legal and illegal, were much more than places to buy and consume alcoholic beverages on the premises. They were an integral part of the social and economic life of the lower classes. They served as places of recreation where leisure hours could be spent dancing, singing, gambling, and drinking with family, friends, and lovers. They were places of lodging for the homeless poor who, for free or for a nominal fee, could sleep in a back room or under the bar. They were places where the poor could easily pawn their own or stolen goods in return for money, credit, or drink. The drinking house functioned as a reassuring institution in a society kept in a constant state of flux. With accelerating corn prices, periodic epidemics, and job insecurity, the tavern was a pillar of strength in a time of uncertainty.³⁶

Less than one-half (approximately forty-seven per cent) of the taverns in Mexico City were properly licensed and sanctioned by the vice-regal authorities. The pulquería ordinances fixed the number of those drinking places. Since the late seventeenth century, there had been a maximum of thirty-six pulquerías in the capital, but by 1784, as a result of population growth and fiscal considerations, the number had been increased to forty-five.³⁷ Several pulquerías were not always in operation, and during the 1790's, the number fell two below the legal limit.³⁸ While the number of pulquerías remained relatively stable, the number of vinaterías rose dramatically. Reflecting the increased consumption of aguardiente after the legalization of colonial manufactured cane brandy in 1796, the number of vinaterías jumped from 194 in 1784, to 593 in 1800, to 784 in 1807, for a cumulative increase of 304 per cent.³⁹

The size of the pulquerías more than offset their restricted numbers. Located primarily in plazas or on undeveloped land, pulquerías, some as large as 150 feet by sixty feet, could accomodate at least 600 customers at one time, which, according to one estimate, meant that on any given day one-half of the city's population, in addition to the transients, frequented the pulque taverns.⁴⁰ To facilitate police surveillance and prevent "disorder and crime," the ordinances specified that three sides of the pulquerías be exposed to public view with the remaining side covered to protect the employees from the sun.⁴¹ However, the construction of only seven pulquerías complied with the law. Twenty per cent had two sides covered, twenty-four per cent had three sides, and forty per cent had all four sides covered with either wooden partitions or canvases.⁴²

Although all pulquerías resembled tent-like structures, the physical plan of the vinaterías took several forms.⁴³ There were two basic types of vinaterías: the fully-equipped and well-stocked aguardiente and wine bars and the smaller zangarros. The formal vinaterías, complete with tables, benches, lanterns, bar, and storage room, were located primarily in stores that had been converted into taverns. Almost two out of every five of these vinaterías, however, were retail shops such as pulperías and tiendas mestizas in which the proprietor supplemented his earnings by establishing a tavern in a corner of the store.⁴⁴ Zangarros, referred to as "pequeños vinaterías" by the authorities, were more often located in private homes and apartment complexes (vecindades). Representing an investment of only twenty-five or thirty pesos, they contained merely a bench or perhaps a table, ladle, candle, and several drinking vessels.⁴⁵ In 1800, 309 of the 593 vinaterías, or fifty-two per cent,

were classified as zangarros, but within six years, they accounted for two out of every three vinaterías.⁴⁶ By opening these small taverns, artisans with some capital and small shopkeepers endeavored to profit on the increased popularity of aguardiente after legalization.

Each city block had at least one pulquería, vinatería, or zangarro, but the majority of the legal taverns were situated in the outlying districts (barrios) of Mexico City. The "interior part" of the capital, comprising minor districts 1, 3, 5, 7, 9, 11, 13, and 14, contained less than two out of five drinking places (see Figure 1). Pulquerías were fairly evenly distributed throughout all major administrative districts despite the clustering of such taverns in the sparsely populated V district. The pulquerías were away from the principal government, religious, and economic centers. Not one could be found in the center city.⁴⁷

Like the pulquerías, the majority of the vinaterías by 1800 were located in the outlying districts of the city. Reflecting greater consumption of aguardiente by Spaniards and mestizos before legalization, eighty-one per cent of the liquor taverns were in the interior section in the 1780's, the area where most non-Indians resided.⁴⁸ With increased consumption of cane brandy among Indians following a drop in prices after 1797, the overwhelming majority of new vinaterías, especially the zangarros, opened in the Indian areas of the barrios. Within a decade after liberalizing the aguardiente trade, the outlying districts contained almost two out of every three large and small vinaterías.⁴⁹

The distribution of the legal taverns posed a serious threat to public order. The proximity of these drinking places facilitated the transit from one to another.⁵⁰ The 1778 law passed by the Sala del Crimen to keep these taverns at least two blocks apart was meaningless.⁵¹

Their location in the barrios rendered police supervision more difficult. By the time a police patrol journeyed into these districts, word of mouth had eliminated or concealed any obvious offense. The municipal government contended that the only way to prevent "disorders" from occurring in the taverns would be to station a police magistrate in them throughout the day and evening which was, the government bemoaned, a logistical impossibility.⁵²

The pulquerías and vinaterías catered to all segments of the urban poor although attendance of unescorted respectable women was discouraged. The pulque taverns daily attracted not only over one-half of the city's population, but also Indians from surrounding villages and thousands of itinerant merchants and peddlers who entered the city to sell their wares.⁵³ Soldiers were always present "in large numbers."⁵⁴

By analyzing the cases of persons arrested for committing an offense in a vinatería, the clientele of the aguardiente taverns can be constructed more precisely. Such arrests serve as a reliable indicator of the customers present in the taverns at any given time. As expected, married men frequented the vinaterías in greater numbers and in greater proportions than single men and widowers while married women were heavily underrepresented (Tables 91 and 92). Table 93 shows that the aguardiente taverns tended to attract a young crowd, with fifty-five per cent under thirty years of age and fifteen per cent under twenty. Persons in their thirties also attended in large numbers, but those forty and over, accounting for twenty-seven per cent of the population, comprised only seventeen per cent of the cases. Fewer Indians frequented the vinaterías than their intoxication rate would indicate, thus underlining the importance of the pulquerías for the Indians and the divergent consumption

patterns among racial groups (Table 96). As seen in Table 99, persons from Mexico City were overrepresented, but the attendance of provincials was not low enough to suggest that visitation to the aguardiente bars was a monopoly of the urban born. As a reflection of higher earnings, artisans flocked to the vinaterías, comprising almost three out of every five clients (Table 95).

Marked differences existed in the ownership patterns of the pulquerías and vinaterías. Most proprietors of the pulque taverns were wealthy individuals whose drinking places served as lucrative investments. Only corporations or well-to-do persons could purchase a pulquería since its average value in the early 1790's was 13,300 pesos with some worth up to 30,000 pesos.⁵⁵ Consequently, owners included influential attorneys such as Angel María Morelo, the Indian governments of Santiago Tlatelolco and San Juan, presbyters such as José Sánchez de Espinosa, entrepreneurs such as the Conde de Regla and the Marqués de Vivanco, and even oidor Francisco Leandro de Viana.⁵⁶ The proprietors earned profits from the pulquerías in two ways. The majority merely leased the taverns to individuals (arrendatarios) who in turn made their living from the daily sales of pulque. The tenants were typically creoles or peninsulares who had previous experience in a retail enterprise. For the ennobled entrepreneurs, however, the largest profits came from the production, manufacture, and sale of the pulque cultivated on their haciendas. Horizontal ownership of all phases of the pulque trade meant a guaranteed market for the pulque, no matter how inferior the quality.

One of the leading hacendados in this economic venture was the Marqués de Vivanco, the affluent owner of the Bolaños mine. Recognizing the profit-making potential of pulque, Vivanco, by the mid-eighteenth

century, began to plant maguey on his livestock ranches in Chapingo and eventually invested considerable amounts of mining capital into his maguey haciendas. Other nobles, though not owning any pulquerías, rushed into the pulque trade, and some, such as the Marqués de Salvanevada, invested almost one million pesos into their maguey properties.⁵⁷ The expansion of maguey haciendas in central Mexico seriously limited corn production and was a contributing factor to the acceleration of corn prices at the end of the colonial period.⁵⁸ Considerable profits could be made from the pulque trade. As Humboldt states, "a proprietor who plants 30,000 to 40,000 maguey is sure to establish the fortune of his children."⁵⁹ In 1770, the Conde de Regla earned 40,000 pesos from his maguey hacienda at San Javier, and by the end of the decade, his ownership of four pulquerías in Mexico City assured him of a regular market for his product.⁶⁰ In 1786, the Conde de Jala's pulque profits amounted to 25,000 pesos while in 1811, those of the Marqués de Vivanco exceeded 46,000 pesos.⁶¹

Not all the pulque sold in the capital originated from the lands of the hacendados. Tenants who rented from proprietors without maguey lands purchased the intoxicant from any of three sources: individual Indians from surrounding villages who manufactured pulque grown around their homes, small farmers who devoted a fraction of their lands to maguey, and Indian villages which communally cultivated the crop.⁶²

In the vinaterías, the proprietors usually managed the taverns themselves, although some turned the daily management over to an administrator whose salary was half the day's profits. This method was particularly popular among vinateros who also worked as artisans or cigarreros.⁶³ The overwhelming majority of proprietors were males who relied on the income earned from the tavern as their sole means of support.⁶⁴

Before the legalization of colonial aguardiente, vinateros were obligated to buy the intoxicant from wholesale merchants who sold imported Spanish brandy.⁶⁵ Because of the lower price of colonial aguardiente, most brandy consumed in Mexico City was illegally manufactured in factories scattered in the adjoining jurisdictions of Mexicalcingo, Xochimilco, and Chalco.⁶⁶ A series of canals connecting these regions to the capital facilitated the illicit entry of chinguirito. With over 50,000 vessels entering the city each year, the contrabandistas found that the undermanned customs houses were unable to prevent smuggling activities.⁶⁷ In 1796, however, the night police uncovered one elaborately organized contraband scheme. Loaded with six barrels of chinguirito, a representative from one of the factories paid Indian chinampa farmers from Xochimilco and cargadores from Mexico City six reales to transport his cargo. Beginning around 2 A.M., the Indians rowed the canoe to a point below the customs gate at the southern edge of the city where they unloaded the brandy. From there, the six porters carried the barrels past the guardhouse, reloaded the cargo on another canoe, and transported it to a designated point east of the Plaza Mayor. Vinateros had their employees waiting to claim their order.⁶⁸ Even after legalization, the early morning smuggling of aguardiente continued, although on a reduced scale. Such a development indicates collusion with the guardafaroleros.⁶⁹

Viceregal ordinances and Audiencia decrees regulated the hours the pulque and aguardiente taverns could sell intoxicants. Both opened at sunrise, pulquerías closed at sunset and vinaterías at 9 P.M.⁷⁰ Although required to remain closed on Sundays and religious holidays until mass ended, most taverns stayed open the entire day.⁷¹ One official of the Consulado noted a peculiar drinking pattern among the poor. He stated

that the vinaterías were full of customers from sunrise, but that by 10 A.M., the crowd shifted to the nearby pulquerías where they spent the day "cooling off." At sunset, the crowd, joined by artisans leaving their workshops, returned to the brandy taverns to "warm themselves." The drinking places were especially full on Saturdays, the traditional pay day for most of the workers, and "the majority (of the artisans) spent it on their vice that very same night."⁷² Saturday night was the busiest evening for the police with twenty per cent of all drunk arrests and fifty-five per cent of all arrests for tavern violations taking place on that night.

The pulquerías infrequently caused problems for the authorities in opening and closing at the specified hour. Perhaps their size prohibited any tenant or administrator from abusing the law. Rare was the vinatero who abided by the regulations.⁷³ As a result of their location in the outskirts of the city, zangarros were visibly open outside the legal hours. In the vinaterías situated within or close to the center of the city, the vinateros adopted various measures to conceal their transgressions from the police. In addition to selling the liquor through a window or, as in larger vinaterías, closing the outer room and moving into a hidden interior room, many taverns had a second, sometimes secret, entrance to the bar, either through an adjoining store or from a dimly-lit alley. For further protection, vinateros often hired someone to watch for police patrols.⁷⁴

The lifestyle characteristic of the pulquerías and vinaterías led the elite to believe that the drinking places were nothing more than meeting grounds for the léperos and other degenerates.⁷⁵ A customer could either buy food on the premises or bring his own meal. Groups

of musicians, hoping to earn some money or free drink, roamed from tavern to tavern playing traditional and obscene tunes. Dancing was a popular form of entertainment. The taverns also served as centers of sexual activity where one could find a prostitute or bring a lover or mistress to seduce in the rented back room.⁷⁶

All these activities were illegal, but what concerned the police even more was the high incidence of gambling, fighting, and pawning of goods that transpired in the pulquerías and vinaterías.⁷⁷ Gambling was the most common form of diversion in all taverns. Many had separate rooms or sections for the gamblers.⁷⁸ The proprietors and managers commonly accepted pawns as payment for drinks, often ignoring the well-intentioned law limiting loans or credit to two pesos. The larger the loans, they argued, the more alcohol they would sell.⁷⁹ The excessive consumption of intoxicants combined with gambling losses, sex rivalries, or just an exchange of insults led to countless assaults and even some murders. The piles of broken drinking vessels covering the floors of the pulquerías contributed to the high rate of aggravated assaults in these taverns.⁸⁰

One reason for the widespread disorder in the drinking places was that the proprietors, tenants, and managers tolerated and even encouraged such behavior. They readily distributed playing cards to customers, accepted pawns without question, and permitted food peddlers and musicians. In many cases, police supervision was difficult. The majority of pulquerías were either fully or partially enclosed, and most vinaterías had thick curtains across windows and doors.⁸¹ As a means to attract customers and increase sales, tavern administrators ignored the illegalities. Vinateros, for example, actively sought to improve business by offering

free cigarettes, pastry, and cheese, all presumably procured by smuggling or theft.⁸² Although indifference towards the law and police was evident particularly among owners of zangarros or arrendatarios of pulquerías located in sparsely populated districts, all tavern owners or administrators were partly responsible.⁸³

A slim profit margin often necessitated tolerance on the part of the proprietor. With weekly profits sometimes as low as four reales, vinateros allowed illegal activities in their taverns since compliance with the law meant the loss of customers to taverns permitting such activities.⁸⁴ In both pulquerías and vinaterías, proprietors attempted to increase profits by watering down the intoxicant and adding a noxious ingredient, particularly mineral lime and alum, which gave the diluted drink "more activity."⁸⁵ According to one doctor, the poor consumed more adulterated pulque than pure white pulque.⁸⁶

Alcoholic beverages were legally sold outside the pulquerías and vinaterías, particularly in eating establishments such as almuercerías and fondas, coffee houses, apothecaries, and retail shops such as cacahuaterías. A yearly liquor license in these stores cost forty pesos.⁸⁷ The municipal authorities permitted pulque stalls in the markets of the Volador and Parian for a weekly fee of ten pesos. The Plaza Mayor, before its renovation in the early 1790's, contained numerous unsanctioned pulque and tepache bars in addition to Indians who legally sold uncultivated pulque, called tlachique, at reduced prices.⁸⁸ Intoxicants were also sold in the viceregal palace before Revillagigedo forbade the practice.⁸⁹ Moreover, men and women cluttered the streets at night selling alcoholic beverages to passersby. Even convicts working on labor gangs or prisoners in the city jail could buy small amounts of aguardiente or pulque from persons concealing the beverages in specially designed belts.⁹⁰

Over one-half of the taverns in Mexico City operated without the necessary viceregal license.⁹¹ Approximately 850 casas de pulque and tepacherías were scattered throughout the entire urban zone, especially in districts outside the center of the city.⁹² According to the Conde de Regla, the illegal drinking places sold one-half of all the pulque consumed in the capital.⁹³ His figure may be bloated, but it indicates the importance of the casas de pulque and tepacherías in the lives of the urban poor.

Women comprised the majority of the proprietors of illegal taverns. Commonly called cuberas, they sold intoxicants directly from their homes or apartments which contained the essential barroom paraphernalia.⁹⁴ They procured pulque primarily in two ways. One was to obtain it from the pulquerías. Arrendatarios gave them the beverage to sell in their residences, and for every arroba sold the tenants paid them one-half real. Other proprietors purchased three- or four-day old sour pulque from the pulquerías and made it drinkable by converting it into tepache. Moreover, many of the male proprietors worked in the pulquerías in some capacity, as cashiers for instance, and obtained the beverage by buying or stealing a portion of sour pulque.⁹⁵

Most of the pulque consumed in the unsanctioned taverns, however, was contraband. The proprietors purchased the intoxicant either from customs officials or from Indians residing on the fringes of the city who privately cultivated maguey under the pretense that it was for personal consumption.⁹⁶ Customs officials at the city gates generally weighed only part of the incoming pulque, keeping a fraction for themselves which they concealed in the guardhouse and later sold at a reduced cost to the cuberas.⁹⁷ The illegal procurement of pulque concerned the

colonial authorities. Not only did the clandestine introductions defraud the treasury of tax monies, but they also enabled the proprietors of the illegal taverns to lower prices, thereby curtailing consumption at the pulquerías.⁹⁸

More so than the pulquerías and vinaterías, the illegal taverns functioned as neighborhood drinking places and were open from dawn until the early morning hours to accomodate the clientele. Although occasionally plagued by fights and other disturbances, the casas de pulque and tepacherías emphasized the sociable aspects of drinking. A drink cost only one-half real, and proprietors often provided meat-filled tacos for their regular customers.⁹⁹ Rarely did the police find a drunk in the illegal taverns. Biographical data of persons arrested for patronizing these drinking places indicates that women, especially married women, were generally more welcomed in these establishments than in vinaterías (Tables 90 and 91). Whereas married women accounted for thirty-one per cent of all female arrests in the aguardiente taverns, they represented fifty-two per cent of female arrests in the illegal bars. Another indication of the family-oriented nature of the casas de pulque and tepacherías is the underrepresentation of single persons in the arrests. As seen in Table 93, the crowd was also older with the majority over twenty-nine. Contrary to contemporary statements, Spaniards frequented the illegal taverns in large numbers and were only slightly underrepresented in the number of arrests (Table 96).¹⁰⁰ In all, the casas de pulque and tepacherías catered to more segments of the urban poor, not merely Indians and young and single persons.

To meet the demands of the urban poor, alcoholic beverages could be bought anywhere in the city, at any time, and at any price.¹⁰¹ The

popularity of intoxicants and their immoderate use among the lower classes led royal and viceregal authorities to embark upon a program in the late colonial period aimed at reducing the incidence of intoxication in Mexico City. Through measures improving law enforcement, imposing more stringent penalties on drunks, and reforming the legal taverns, the authorities hoped to counteract the rising tide of drunkenness in the late eighteenth and early nineteenth centuries. Only by curtailing drunkenness, considered the "Mother of many vices," could they reform the customs of the poor and restore public order to the capital.¹⁰²

In response to a letter written by the city's parish priests concerning the abuse of pulque on Sundays and holy days, Charles III issued a cédula in late 1775 which ordered Viceroy Bucareli and the Audiencia to take the necessary measures to end the sale of intoxicants in the *vinaterías* and *pulquerías* on mass days.¹⁰³ The *oidores*, however, were unable to reach an agreement on a course of action.¹⁰⁴ The arrival of a related royal order in March 1778 initiated discussion throughout the colonial bureaucracy and led to the formulation of a comprehensive program to alter the drinking habits of the poor. Disturbed over reports of widespread drunkenness and crimes emanating from *pulquerías*, the King ordered the *alcaldes del crimen* and *alcaldes ordinarios* to increase their supervision over these taverns and to adopt measures to eliminate the "disorders." If the policy failed to accomplish the desired "radical remedy," a committee composed of the archbishop, regent, civil crown attorney, and customs superintendent would specify the most effective policies "to put the *pulquerías* in order."¹⁰⁵

The viceroys and audiencias responded to the royal orders by adopting in the next thirty years three different, yet related approaches.

One was to facilitate the supervision of the taverns. In July 1778, the Audiencia proposed the abolishment of the pulquerías in the outer districts and their relocation within a specified area in the center of the city. Although willing to adopt strong measures to eliminate gambling and illegal beverages, Viceroy Bucareli was reluctant to tamper with the pulquerías. The plan was never implemented.¹⁰⁶

Royal concern over drunkenness was instrumental in the creation of the alcaides de barrio in 1783 and the guardafaroleros in 1790. From the sixteenth century, the alcaides del crimen, alcaides ordinarios, and corregidor randomly patrolled the pulquerías, but to insure closer supervision, Viceroy Revillagigedo the Elder in 1753 assigned specified taverns to each magistrate.¹⁰⁷ The authorities realized, however, that only through the establishment of minor police officials such as the alcaides de barrio could the taverns be patrolled and the drunks arrested.¹⁰⁸

In addition to intensifying surveillance over the pulque bars, the viceroys promulgated a series of laws calling for both the prompt arrest of persons publicly inebriated and the imposition of harsh penalties. In 1793, Revillagigedo reissued the 1748 bando which aimed to combat drunkenness by inflicting corporal punishment on the offender. Three years later, Viceroy Branciforte modified the penalties to public works sentences for men and incarceration for women. Viceroy Marquina and the governing Audiencia respectively published similar laws in 1800 and 1810.¹⁰⁹

Of all the measures designed to eliminate intoxication, those attempting to reform the pulquerías and vinaterías received the most attention. The authorities held the drinking places responsible for much of the lower class deviant behavior. They were the source of indecency, drunkenness, crime, and such domestic problems as nonsupport and desertion.¹¹⁰

Husbands spent hours each day drinking and gambling in the taverns, squandering their earnings, or pawning personal and family items to support their depraved habits. The Prior of the Consulado described the typical pay day for an employed artisan. After receiving his wages, the worker proceeded to a tavern where in the company of friends, he spent his earnings on drink, women, food, and song. Eventually the group formed "a swarm of drunks" who then fought with one another for no apparent reason.¹¹¹

The authorities blamed the excessive rate of drunkenness on the taverns since their ambiente and lack of supervision facilitated intemperate consumption. Intoxication, in turn, was the cause of other problems. Medical authorities attributed the devastating epidemics of 1736-37 and 1784-87 to the immoderate use of intoxicants.¹¹² Every week the police found tens of bodies of drunks who had stumbled into the waterways that crisscrossed the city, and rarely a week passed without someone dying from overconsumption of aguardiente.¹¹³ Drunkenness adversely affected the quality of work. It led to high rates of absenteeism, especially in the tobacco factory, and some workers were unable to secure employment in a respectable trade because of their drinking habits.¹¹⁴ Revillagigedo blamed the decline in the quality of artisan goods on the high incidence of alcoholism among the skilled workers who he believed dedicated themselves more to carousing in the taverns than to acquiring more proficient job skills.¹¹⁵

The colonial authorities contended that intoxication among the urban poor threatened the ability of the State to enforce the law and govern effectively. The Consulado regarded drunkenness as a "domestic enemy" and drunks as "rebels" who have declared war against the well-being of

the government.¹¹⁶ Viceroy's from the late seventeenth century blamed the excessive consumption of pulque for the 1692 food riots in Mexico City.¹¹⁷ Through a commitment to reform the drinking places and habits, royal and colonial officials hoped to avert any future uprising in the populous city.

The tavern reform commenced with the pulquerías since the authorities believed them to cause the "greatest disorder" due to the thousands of customers, especially Indians and castas, who frequented them daily.¹¹⁸ Before the early 1800's, vinaterías were regarded as the more respectable drinking tavern since clientele was primarily Spanish and mestizo.¹¹⁹ In response to the 1778 royal order, Viceroy Mayorga established the blue-ribbon pulquería commission. After a lengthy investigation, the junta, with prior approval of the Sala del Crimen, issued a detailed report in September 1784 to Viceroy Matías de Gálvez. Attempting to reconcile the need for reform with the need to preserve tax revenues, the committee proposed such measures as limiting the sale of pulque to a maximum of four drinks per customer, reducing the quantity given for the standard price of one-half real, requiring the owner or administrator to sell drinks for cash only, and moving all vinaterías a minimum of two blocks from any pulquería.¹²⁰ Until the administration of Revillagigedo, however, the viceroys made no effort to implement the proposals. In November 1791, Revillagigedo forced the reconvened junta to pass a series of measures to initiate the much needed reform. By eliminating seats, reducing the size of the pulquerías, and prohibiting the sale of pulque after sunset, the committee and Viceroy believed the disorders originating from the pulquerías would be largely corrected without impeding the use of pulque or undermining the financial position of the tavern

owners. Needing royal approval, Revillagigedo informed Charles IV of the proposals, but the King never responded. Once again, bureaucratic lethargy thwarted the junta's efforts. Royal will did not necessarily mean royal action.¹²¹

Determined to proceed with the reform on his own, Revillagigedo issued various orders between December 1792 and February 1793 to enforce the existing Pulquería Ordinances of 1671 and 1752. What began as an effort to implement two articles of the ordinances ended with an attempt to enforce all the regulations. His solution to the drink problem was to remove any incentives leading to excessive drinking. The Viceroy, however, realized that the reform would have to proceed slowly. In a letter to the principal police magistrates, he stated that:

It is not easy, nor at times convenient to remedy with one blow . . . all the disorders that have become habitual and ingrained in the customs and lifestyles of the greater part of a People; but it can be attained little by little with adequate and sustained measures.

This is the situation in which we find ourselves with the pulquerías: for their government and management they have very just regulations: but neglected and tepid enthusiasm in their enforcement over a long time has produced all the resulting excesses.¹²²

A political and social realist, Revillagigedo foresaw the failure of a "radical remedy" to the problem, given the nature of the lower classes and the pulquería owners.

The Viceroy's piecemeal program began on December 4 when he ordered the enforcement of the regulations prohibiting both the consumption of food within the pulquerías and the sale of food in the surrounding block.¹²³ Investigations into the eating houses showed that almost all

forty-three pulquerías sold food to their customers and were surrounded by numerous almuercerías, bodegones, and women selling tortillas and tamales from baskets or portable stalls. Within three days of the vice-regal decree, the *alcaldes de barrio* had removed most of these establishments. Although most owners offered no complaints, some women protested bitterly, explaining that the only "respectable" way to support themselves and their families was to sell food to the pulquería customers. As a means to stress their inability to provide for their children if the order remained enforced, a group of women went as far as to give their offspring to the police officials.¹²⁴ Concerned with the precarious financial status of the women who sold food from their apartments or stores, Revillagigedo permitted them to return to their former places of residence and prohibited only the sale of food by itinerant vendors. He believed the ordinances would be enforced over a period of time by not allowing any new eating houses in the areas encircling the pulquerías.¹²⁵ Upon returning to their homes and stores, however, the proprietors of the eating establishments attempted to circumvent the law. Not only did they allow the customers to carry food to the pulquerías, but they also let the bartenders bring pulque to their stores so the customers' drinking would not be disturbed. On December 30, the Viceroy declared such behavior illegal.¹²⁶

Revillagigedo understood that the success of the reform program depended upon the ability to make it impossible, if not just difficult, for customers to linger in the pulquerías. Removing all food was one method. Another was to remove the thousands of seats and benches that were scattered in forty of the pulquerías.¹²⁷ One magistrate noted that the pulquerías in his district abided by the food regulations, but that

they were full of "vicious people" who did nothing save drink and sleep throughout the day.¹²⁸ In response, Revillagigedo on January 1 ordered the magistrates and *alcaldes de barrio* to dismantle all structures in the *pulquerías* that served as resting places.¹²⁹ Enforcement of the decree was hopeless as many administrators refused to comply. In order to save the faltering reform, Revillagigedo issued another order on January 10 which neglected to mention the issue of seats, but emphasized instead the administrators' responsibility to prevent the customers from lingering after consuming the pulque. For the Viceroy, the purpose of the tavern was to sell liquor. With no loitering, there would be no disturbances.¹³⁰

The reaction was swift. Speaking for the majority of the *arrendatarios*, a group of seven tenants sent a letter to Revillagigedo criticizing his reforms as detrimental to their livelihood and impossible to enforce. They thought the practice of remaining in the *pulquerías* was an ingrained custom among the urban poor since the taverns provided much needed relaxation and sociability. They complained about their inability to enforce the measure, and even if they forced the administrators to keep the crowd moving, the customers would rebel. Pleading poverty if the decree were enforced, the tenants asked the Viceroy to rescind the order.¹³¹

Revillagigedo refused to yield on this point. He reissued the order and informed the *arrendatarios* that he would not tolerate any contravention of the *pulquería* ordinances in their taverns.¹³² To further implement the decree, he empowered the police to remove any known worker from the *pulquerías* if he lingered too long before work in the morning or during his afternoon break.¹³³

Although initially concerned with the regulations on food, seats, and loitering, the reform expanded into other areas as it progressed. In implementing the decrees of early December, the magistrates uncovered other infractions of the pulquería ordinances: lack of a torch at night, sale of pulque after sunset, gambling, music, and dancing. On December 25, Revillagigedo encouraged the magistrates to investigate all abuses committed in the pulquerías, not just those pertaining to food and seats.¹³⁴ To facilitate enforcement of the regulations, he reprinted and distributed sufficient copies of the ordinances to all magistrates, alcaldes de barrio, and pulquería administrators of the city. No one, neither policeman nor arrendatario, could feign ignorance of the law.¹³⁵

With the exception of the January 1 decree concerning the removal of seats from the pulquerías, the police vigorously enforced the laws in the early stages of the reform. From December to February, they mounted special patrols to apprehend transgressors and implement the viceregal measures. As late as April, they arrested numerous customers and administrators and formed several formal criminal cases for such offenses as sitting in the pulquerías, selling food, accepting pawns, and selling pulque after sunset.¹³⁶ Upon leaving office in 1794, Revillagigedo commented to his successor that the pulquerías were no longer the cause of intoxication and other criminal offenses for which they had been known previously.¹³⁷

After his administration, however, enforcement of the pulquería ordinances was sporadic. A relaxation of vigilance followed strict compliance with the law during and shortly after the reform. Between 1795 and 1807, the police did not make one arrest for violation of the ordinances. Viceroy Branciforte in 1796 registered official acknowledgement

of the reform's failure when he promulgated a new law on drunkenness.¹³⁸ By the late 1790's, former complaints about the disorder emanating from the pulquerías once again appear in the documentation: women openly selling food inside the tavern, customers lingering all day, fighting, gambling, and dancing.¹³⁹ The state of the pulquerías had deteriorated to such an extent that the Consulado in 1807 called for the adoption of new measures to reform these drinking establishments.¹⁴⁰

One factor undermining the pulquería reform of the early 1790's was the failure of Revillagigedo and his successors to take strong action against the hundreds of casas de pulque and tepacherías. The reform did not so much temporarily end the disorder in the pulquerías as it forced many drinkers who normally went to the pulquerías to frequent instead the illegal taverns where they could buy food and linger with little harassment from the police or owner. Perhaps the decline in sales in the pulquerías in the last decade of the eighteenth century was the result of this change in drinking habits among the poor.¹⁴¹

The viceroys traditionally relied on police vigilance and court penalties to eradicate the casas de pulque and tepacherías. In 1800, Viceroy Azanza ordered the customs guards and pulquería owners to assist the magistrates by reporting the entry of all contraband and its sale in illegal taverns. He also modified the penalties listed in the 1760 decree on unsanctioned drinking places. Whereas the earlier law called for exile, presidio, and lashes to non-Spaniards, the 1800 bando stipulated three days incarceration for the first offense, fifteen days public works for men and recogimiento (female house of correction) for women for the second offense, and two months of the respective penalty for the third offense. Additional arrests would be punished by exile or presidio.

In all cases, the police were required to destroy the intoxicant and break the container.¹⁴²

Lax police enforcement and court sentences rendered the laws ineffective. As seen in Table 100, the magistrates modified the legal penalties considerably. A fine of three to five pesos was the customary sentence for both customers and proprietors. Incarceration and public works were infrequently used as corrective measures. The court released a high percentage of the offenders: twenty-six per cent of the owners and thirty-eight per cent of the customers. Moreover, the police did not always destroy the intoxicant as required. In most cases, the proprietor was never apprehended, and the police allowed him or her to continue the business. One case typifies police and judicial inaction. The patrol of the magistrate of the VIII district raided one particular *tepachería* three times in one month, but in each instance the police never arrested the owner and the court freed the customers.¹⁴³

As incentive to enforce the law, the arresting officer received one-third of the fine levied by the judge. The magistrates thought the monetary sentences would be more effective in closing the illegal bars than the de jure sentences. They were wrong. The incentive was not enough to entice the police into enforcing the laws in their districts. With bribery rampant among the police, especially the *guardafaroleros* and assistants to the *alcaldes de barrio* (ministros de vara), it would not be surprising to discover that the owners of the illegal taverns paid them a weekly fee for protection from prosecution.¹⁴⁴ Police arrest practices reflect this supposition. Although the *guardafaroleros* walked through their small districts nightly and had the opportunity to know firsthand about the existence of any illegal taverns, they did not make

any arrests in these drinking places. Even the officers of the night police corps apprehended only three per cent of the offenders. Patrols formed by the deputy constable (teniente de alguacil mayor), the two *alcaldes ordinarios*, and the *alcaldes de barrios* accounted for more than nine out of every ten arrests in the *casas de pulque* and *tepacherías*. Despite their complaints over the existence of the illegal taverns, the colonial authorities made no concerted effort to remove them from Mexico City. Little wonder the viceroy's principal legal counsel concluded that present methods of eradicating these "houses of perdition" were woefully inadequate.¹⁴⁵

The viceroys and *audiencias* gave much more attention to the *vina-terías* and other establishments selling hard liquor. They limited their reform measures before 1801 primarily to restricting the sale of *aguardiente* and wine between sunrise and 9 P.M. The authorities concentrated most of their energy on the *pulquerías* during these years, maintaining that the only serious problems in the *aguardiente* taverns resulted from the sale of intoxicants during curfew hours.¹⁴⁶ Their attitude changed after the legalization of colonial manufactured *aguardiente* in December 1796. With the realization that the high price of Spanish brandy spurred demand for illegal colonial brandy and that this trend meant a loss of tax revenues, the crown approved the manufacture of local *aguardiente* and levied a tax of three pesos one real on each barrel registered by customs officials.¹⁴⁷

Legalization benefited the treasury, but its effects on the drinking habits of the lower classes were disastrous. Commenting on the state of the urban poor, the *Consulado* lamented that "the excesses of intoxication increase daily, especially since the year of 1796 in which the

manufacture of cane brandy was permitted in this Kingdom."¹⁴⁸ With falling prices, consumption of the highly intoxicating aguardiente rose sixty per cent between 1797 and 1804. Its growing popularity was also reflected in the jump of the number of vinaterías from 194 in 1784 to almost 800 twenty-three years later. Evidence of greater consumption can best be seen in the Libros de Reos. In 1796, the last year when colonial aguardiente was illegal, the guardafaroleros arrested 816 men and women for inebriation. Two years later, they apprehended 1,750 drunks, a 114 per cent increase, and in 1810 they arrested 2,668 drunks. From 1796 to 1810, the number of arrests for public intoxication rose at an alarming rate of 227 per cent.¹⁴⁹ In the words of the Prior of the Consulado, it had become necessary by 1807 "to put the dikes on the torrent of intoxication that inundates this populous city." He attributed this to the excessive consumption of aguardiente, not pulque.¹⁵⁰ Although brandy was a drink of the Spaniards and castas before legalization, Indians increasingly took to the hard liquor. The vinatería lost its earlier reputation as the "more civilized" drinking establishment. The Sala del Crimen now considered vinaterías to pose a more serious threat to public order than the pulquerías.¹⁵¹ Consequently, the first decade of the nineteenth century witnessed a long debate over the most suitable measures to stem the rising tide of drunkenness caused by the aguardiente taverns. But like the pulquería reform of the early 1790's, the vinatería reform ended in failure.

The changing nature and growing numbers of vinaterías led members of the city's civil and ecclesiastical organizations to call for the development of a code of conduct or ordinance for the aguardiente taverns. After six years of debate, procrastination, lost bandos and cédulas, and

a coup d'etat, the Audiencia, as interim executive, promulgated on June 5, 1810 a regulation for the administration of vinaterías and other establishments selling brandy and wine.¹⁵² The Reglamento originated with a group of parish priests petitioning the viceroy to end the sale of alcoholic beverages in vinaterías on mass days. Although royal civil and treasury attorneys, the Sala del Crimen, and the Audiencia all contributed to the formation of the Regulation, the Consulado was the motivating force. Aware of the detrimental economic consequences of intoxication, the members of the merchant guild and their dynamic Prior not only presented the reform from floundering but also wrote the provisional ordinance which later formed the bulk of the 1810 law.¹⁵³

The key measures in the Regulation were the abolition of the zangarros and the limitation of vinaterías to a specified area in the center of the city. The area delineated comprised the interior minor administrative districts of major districts I-IV, although vinaterías were also allowed on three heavily traveled thoroughfares leading out of the city.¹⁵⁴ The centralization of aguardiente taverns into one zone both facilitated police supervision and impeded the transit of customers between the pulquerías in the outer minor districts and the vinaterías.¹⁵⁵ This plan was not a revolutionary solution. Beginning in 1585, all brandy and wine taverns were situated in a carefully delineated area (traza) which covered the neighborhoods populated by peninsulares and creoles.¹⁵⁶ Despite its historical precedent, however, not all members of the late colonial bureaucracy approved. The treasury attorney was the most vigorous opponent. He claimed the removal of all vinaterías from the barrios endangered the upper class citizens since the tavern disorders would subsequently be concentrated near their residences. Moreover, the extinction of the

zangarros was harmful to the many proprietors from "honored families" whose small business was their only means of support.¹⁵⁷ Expressing the majority opinion, the civil attorney maintained that the ultimate success of the law depended upon the elimination of the zangarros. Virtually free of police surveillance, they were the origin of the most heinous crimes.¹⁵⁸

Two additional measures in the Regulation facilitated police supervision and enforcement. The sale of aguardiente and wine was restricted to vinaterías, coffee houses, and inns (fondas). All other retail establishments such as tiendas mestizas, pulperías, and almuercerías were thenceforth prohibited from selling intoxicants.¹⁵⁹ Through these steps, the law reduced the number of legal taverns by over three hundred, making more frequent police patrols possible to the remaining number of drinking places. The Audiencia overcame another obstacle to proper enforcement by denying military privilege to any soldier-vinatero who violated the vinatería ordinance. Overriding the objection of the viceregal legal advisor on military affairs, the Audiencia made the tavern owners subject to civil jurisdiction.¹⁶⁰

Other measures were obvious adaptations from the pulquería ordinances. Pawning, gambling, playing music, dancing, and adding ingredients to the brandy were prohibited. Like the pulquerías, the aguardiente taverns could not open before one o'clock in the afternoon on Sundays and holy days. Customers could remain in the tavern for only as long as it took to consume their drink. Out of consideration for the many poor who needed pulque on mass days for medicinal purposes, the Audiencia, on June 16, modified the bando to allow for the maximum sale of one real of pulque before one o'clock to persons who brought their own drinking vessels.¹⁶¹

These measures were not warmly received. In the following months, the Audiencia was swamped with petitions by owners of vinaterías outside the zone and by owners of pulperías requesting permission to continue to sell intoxicants in their establishments. One proprietor, embittered over the failure to eradicate the illegal taverns, estimated that implementation of the bando would financially destroy more than 600 families.¹⁶² In response to the public outcry, the Consulado and civil attorney proposed modifications in the law. The merchants wanted to enlarge the designated zone to include many of the petitioners' establishments. While not accepting the amplified zone, the attorney thought the viceroy should establish at least twenty-five vinaterías owned by "honest men" outside the district.¹⁶³ Both the Consulado and attorney had fought for the reform in previous years, but each was willing to moderate its position in order to inflict less harm on the vinateros. While the debate continued, the magistrates gradually closed aguardiente taverns outside the zone. By February 1811, only 245 vinaterías remained in the city, a decrease of 539 since 1807.¹⁶⁴

To settle the confusion over the future course of the reform, Viceroy Venegas appointed Corregidor Ramón Gutiérrez de Mazo, chief of the Junta de Policía, to conduct an inquiry into the implementation of the 1810 law. His reply of March 20, 1811 was much more than a report of his findings. It also proposed measures he considered necessary for the successful outcome of the reform.¹⁶⁵ Mazo discovered that the law did not bring about its desired effects. Instead of decreasing, the rate of drunkenness continued to climb in 1810. He thought the excessive number of taverns selling hard liquor was one of the major obstacles. The over 300 per cent reduction in the number of vinaterías was insufficient,

particularly when only forty-eight bakeries and fifty-three butcher shops supplied the city's needs.¹⁶⁶ To further limit the aguardiente taverns, Mazo proposed two measures. One was to grant licenses to vinateros who could verify a minimum investment of 1,500 pesos in their taverns. All vinaterías appraised under this amount would close within one month, thus insuring the effective suppression of the zangarros. After determining the number of vinaterías needed to supply the capital, the Corregidor as administrator of the program would force the remainder, even if valued at more than 1,500 pesos each, to shut down within six months.

The second proposal gave the Corregidor power to distribute the licenses and approve vinaterías in any part of the city, thereby abolishing the district designated in 1810. The criteria for location was accessibility for police patrols, ample street lighting, and the neighborhood's need for an adequate supply of liquid nourishment. Like the bakeries and butcher shops, the number of vinaterías would be strictly limited, and they would be strategically scattered throughout all sections of the city.

Mazo acknowledged that these proposals were insufficient. More drastic and extraordinary measures had to be taken to counteract the increasing incidence of drunkenness. To this end, he proposed that no intoxicants be drunk within the vinaterías and pulquerías or within 110 feet from the tavern entrances. Anyone wanting pulque, aguardiente, or wine would have to supply his own container. Similar to retail stores that sold prepared food, such as tortillerías and atolerías, the drinking places would be converted into stores that merely dispensed a product to be consumed in the home. Mazo maintained that the congregation of drinkers in the taverns led to excessive drinking. The principal weakness

of the pulquería reform was the reluctance to prohibit the consumption of intoxicants on the premises. Not even tripling the number of police would have enforced the loitering measures.

The Corregidor understood that the implementation of his proposals would drastically reduce the consumption of aguardiente and pulque among the poor. This was, however, the price the Viceroy and King had to pay to curtail drunkenness in the capital. Although decreased consumption would result in lower tax revenues, it would not in the long run be detrimental to the royal treasury. Monies traditionally spent on intoxicants would be used instead to buy food and clothing which, in turn, would double the duties and sales tax levied on these products. Convinced by the logic of the proposals, Viceroy Venegas published them on September 9, 1811 as an amendment to the 1810 bando.

As expected, reaction to the viceregal order was hostile. On the following day, a group of hacendados and pulquería proprietors, led by the influential widow of the Conde de Regla, formally complained to the Viceroy that the law, if implemented, would undermine personal and royal interests. Decreased consumption of pulque meant the closure of the pulquerías since the owners and tenants could no longer meet expenses. It would also cause the bankruptcy of the maguey haciendas, force thousands of farm laborers out of work, and reduce royal tax revenue. Although they would obey the law, the petitioners maintained that viceregal suspension of the new measures would better serve the interests of the entire city.¹⁶⁷

Moved by their argument, Venegas suspended the law on September 30 pending an investigation into their claims. He ordered the petitioners to expound upon the liabilities of the new measures. The Consulado,

corregidor, civil attorney, and Audiencia would pass judgement afterwards.¹⁶⁸ Venegas declared the June 1810 bando to remain in effect, but mass confusion resulted. Under the pretext that the 1810 law had been suspended, many former proprietors of vinaterías and zangarros reopened their establishments. By the end of 1811, the state of the aguar-diente tavern was comparable to its unruly condition in the decade before the 1810 law.¹⁶⁹ Nothing was done in the last years of colonial rule to close the vinaterías in the outskirts or to implement the Corregidor's proposals. In 1816, a new movement to reissue and enforce the 1810 bando was greeted with apathy by the Viceroy.¹⁷⁰ Under the correct assumption that the issue would be forgotten, the hacendados and pulquería proprietors never submitted a detailed account of their complaints.¹⁷¹ The 1810 and 1811 laws remained dead letters.

The pulquería and vinatería reforms of the late colonial period accomplished little. The authorities were unable to translate their disgust for intoxication into lasting and effective action. Acknowledging the persistence of drunkenness since the Conquest, the Consulado realized that the task of reforming the drinking habits of the lower classes would be formidable.¹⁷² The merchants blamed this on the customs of the urban poor. Although partly correct, other factors also worked against the success of the tavern reforms.

The colonial government lacked the means to enforce the reform measures. Both the *alcaldes de barrio* and *guardafaroleros* were overworked. The police were expected to perform a myriad of duties, many of which concerned administrative and not police matters. Consequently, patrols were not as frequent as might be expected, sometimes occurring one month apart. Although they enforced the tavern ordinances when

directly ordered, the two police forces customarily assumed a passive role in the enforcement of the tavern laws.¹⁷³

Compounding this problem was the faulty and sometimes negligent police work of the guardafaroleros, all of whom were drawn from the lower classes. Data gleaned from the Libros de Reos emphasize their incompetence. In 1796, the chief of the night police and other magistrates charged three out of every eight policemen with a criminal offense, and in 1798, they arrested three out of every five members of the police force. The guardafaroleros were notorious for leaving their districts to frequent a brothel or tavern. As seen in Table 101, abandonment of post, intoxication, and sleeping on duty accounted for the majority of the offenses. Since finding replacements was often difficult, most were allowed to return to work after a relatively mild punishment.¹⁷⁴ The court sentenced thirty-six per cent of the patrolmen to an average five to seven day jail or public works sentence while it released outright thirty-three per cent. In only five per cent of the cases did the police chief dismiss the offender from the force (Table 102).

The doubling of tavern owners and administrators as alcaldes de barrio also undermined enforcement of the tavern reform. Although the evidence is scanty, these men probably comprised approximately one-fourth of the ward police force. As indicated by the arrest of several vinatero-policemen for selling aguardiente during curfew hours, the city magistrates realized that these men would not vigorously enforce a law which was prejudicial to their only means of support. However, with the inability to appoint and retain qualified men to the position of alcalde de barrio, the authorities were forced to accept tavern personnel on the force.¹⁷⁵

A second factor responsible for the failure of the tavern reforms was the various groups, including the government, which had a vested interest in the continuation of high consumption rates of intoxicants. The pulquería committee realized that the proprietors of the pulquerías and the maguery haciendas prevented effective enforcement of the law. With investments running into the millions of pesos, they protected their tenants "at any cost," and the courts and police could not proceed against the tenants unless they possessed overwhelming evidence.¹⁷⁶ The ploy developed by the owners and hacendados to forestall the implementation of the 1811 bando underlines their ability to subvert the law. Effective enforcement of the reforms would have undermined some of the colony's most influential and respected citizens.

Even though government officials deplored the taverns and the incidence of drinking, they realized that the consumption of pulque and aguardiente raised considerable tax revenue for the royal and municipal treasuries. The sales tax on pulque earned the royal treasury an average of 600,000 pesos annually in the 1770's and 1780's and 800,000 pesos annually in the 1790's and early 1800's.¹⁷⁷ Special duties periodically placed on pulque generated revenue which went to such specific purposes as the purchase of militia uniforms, war expenses, salaries for employees of the Sala del Crimen and Acordada, street maintenance and paving costs, and sick relief during the 1797-98 smallpox epidemic.¹⁷⁸ The revenue-raising capability of pulque was so great that the city government permitted the sale of the intoxicant in several municipal markets despite its contravention of the pulquería ordinances. By leasing pulque stalls in the markets, the government earned almost 17,000 pesos annually in the 1790's, more than one-half the total expenditure on public works

projects in 1794. The futility of reform is evidenced by the construction of additional government controlled pulque stalls during Revillagigedo's campaign to enforce the pulquería ordinances.¹⁷⁹

The taxes generated from aguardiente consumption were not as fruitful, but they were spent on necessary projects. In the eight years after legalization, the sales tax on brandy brought in a yearly average of 22,515 pesos. More productive was the sisa, or municipal tax, which annually amounted to 41,385 pesos and which went for the upkeep of the city water supply system. The municipal government contended that without the tax and high consumption rate, the already inadequate water system would cease to operate.¹⁸⁰

Due to the primary importance of the alcohol taxes, government officials on all levels blunted any effort to insure strict compliance with the reform measures. Viceroy Venega's prompt suppression of the 1811 bando can be understood only in this context. The crown and viceroys wanted to curtail drunkenness among the poor, but not at the expense of needed revenue. The financial value of intoxicants far outweighed the detrimental social consequences of their consumption. Given the choice between reform or revenue, the colonial authorities never truly wanted the reforms to succeed.

The last, and perhaps most significant factor which undermined the tavern legislation was the function intoxicating beverages performed in the daily life of the urban poor. Important human values in lower class subculture made alcohol consumption difficult to regulate. The laws restricting lingering in the pulquerías and vinaterías, for example, were unenforceable since the authorities did not understand the recreational and social functions played by the taverns. Drinking customs, values,

and attitudes were well established within lower class society, known to and agreed upon by most of the urban poor through such socializing agencies as the family and peer groups. Corregidor Mazo lamented over the teaching of excessive drinking habits to children within the family.¹⁸¹

In all seriousness, the Prior of the Consulado quantitatively demonstrated this point. He calculated that through imitation, drinking customs were transmitted to succeeding generations with the result that one habitually drunken father with three sons would produce 9,840 alcoholics in eight generations.¹⁸² With fifty-seven per cent of all persons arrested for intoxication listed as married and another seventeen per cent as widowed and probably with children, one could conclude that immoderate drinking patterns were often learned in the home. Such behavior was also reinforced outside the home. A popular game for young boys to play in the streets was to pretend to be drunk.¹⁸³ By participating in this game, boys acted out accepted adult roles.

Reform of the drinking places in Mexico City in the late eighteenth and early nineteenth centuries had little effect on the drinking customs of the poor. This period, in fact, represented an acceleration in the incidence of intoxication. Data from subsequent years indicate that the problem of drunkenness in the capital had worsened. In 1798, for example, 2.7 per cent of the urban poor were arrested for intoxication while in 1845, the percentage had risen to 3.8 per cent, a rate increase of forty-one per cent.¹⁸⁴ Since police supervision remained relatively constant, and perhaps even deteriorated over the years, the rise in arrest rates affords an accurate measure of the increased incidence of excessive drinking. Intoxication continued to be an integral part of lower class urban life well into the nineteenth century.

NOTES

1. Diario de Madrid, January 25, 1791 as quoted in Gazetas de México, August 2, 1791, p. 366.
2. Urrutia to Iturrigaray, May 28, 1808, AGN, Civil, vol. 2126, exp. 4, fols. 4-4v.
3. The drinking age population consists of all persons over fifteen years of age.
4. Dionisio Boneto to Garibay, May 18, 1809, Archivo del Antiguo Ayuntamiento, Mexico City (hereafter cited as AAA), Alumbrado, vol. 2, exp. 20; AGN, Historia, vol. 58, exp. 21, fol. 697; AJT, Penal, vol. 9 (1803), exp. 53; LR: C (1794), fol. 33; Humboldt, Political Essay, I, 149-150.
5. "Informe sobre pulquerías," pp. 384-385.
6. Consulado to Iturrigaray, July 20, 1807, AGN, Civil, vol. 2126, exp. 1, fol. 43v. For a detailed account of the excessive use of intoxicants during the fiesta de San Antonio de Abad in 1807-08, see AGN, Policía, vol. 34, fols. 95-141.
7. Beleña, Recopilación sumaria, I, 5th, CXIV. Also see Alexandro Ayllon to Lizana, March 21, 1810, AGN, Policía, vol. 32, fol. 300.
8. Humboldt, Political Essay, I, 149. According to twentieth century researchers, a moderate amount of alcohol "stimulates the flow of gastric juice and promotes stomach motility." Leon A. Greenberg, "Alcohol in the Body," in Drinking and Intoxication, ed. by Raymond G. McCarthy (New Haven, 1959), p. 10.
9. Discurso, Prior del Consulado José Vicente Olloqui, June 6, 1807, AGN, Civil, vol. 2126, exp. 2, fols. 7v-8. Alcohol improves blood circulation to the body surface which the drinker interprets as a feeling of warmth. Mark Keller, "Other Effects of Alcohol," in Drinking and Intoxication, ed. by Raymond G. McCarthy (New Haven, 1959), p. 17.
10. "Informe sobre pulquerías," p. 368. Also see Manuel Lucio Basail to fiscal, June 19, 1800, AGN, Policía, vol. 32, fols. 173-173v; Greenberg, "Alcohol in the Body," pp. 10-11.
11. Bando, Florez, July 22, 1788, AGN, Bandos, vol. 14, fol. 350; Juan Francisco de Ascarate to Iturrigaray, AGN, Historia, vol. 49, exp. 7, fols. 73v-74; AGN, Policía, vol. 19, fol. 235; Juan de Viera, Compendiosa narración de la ciudad de México (Mexico, 1952), p. 91.
12. "Informe sobre pulquerías," pp. 368-369.
13. Keller, "Other Effects of Alcohol," pp. 16-17.

14. Dr. Cayetano Francisco de Torres to Dr. Pedro de Palma Tobon, December 19, 1748, Biblioteca Nacional de México (hereafter cited as BN), MS 1186 (23), fols. 1-16; LR: C (1796), fol. 12v; Cooper, Epidemic Disease, pp. 51 and 80. The poor valued pulque and its parent plant for other reasons. The maguey plant provided sewing needles and paper, but more importantly, many rural and some urban poor survived corn shortages by making tortillas from the heart of the maguey. Gazetas de México, May 2, 1786, pp. 107-108.

15. See Hylan Lewis' study of poor blacks in North Carolina in Blackways of Kent (Chapel Hill, 1955).

16. Greenberg, "Alcohol in the Body," p. 13.

17. For two interesting studies on the anxiety-reducing properties of intoxicants, see Donald Horton, "The Functions of Alcohol in Primitive Societies: A Cross-Cultural Study," Quarterly Journal of Studies on Alcohol, 4 (September, 1943), 199-320, and Leonard I. Pearlin and Clarke W. Radabaugh, "Economic Strains and the Coping Functions of Alcohol," American Journal of Sociology, 82 (November, 1976), 652-663.

18. AGN, Policía, vol. 19, fols. 69-72v; Consulado to Iturrigaray, July 20, 1807, AGN, Civil, vol. 2126, exp. 1, fols. 43-43v; "Informe sobre pulquerías," pp. 203-204.

19. AGN, Policía, vol. 17, fols. 56-59v; Sedaño, Noticias de México, II, 37. By comparison, the ratio of taverns to persons over fifteen in New York City in the 1960's was 1:500. Clinard, Sociology of Deviant Behavior, pp. 407-409.

20. For an estimate of contraband pulque, see La administración de D. Frey Antonio María de Bucareli y Ursúa, cuadragésimo sexto virey de México, Publicaciones del Archivo General de la Nación, XXIX-XXX (Mexico, 1936), I, 433-435. Sedaño's estimate of contraband aguardiente is found in Noticias de México, I, 90-95. I relied on Manuel Carrera Stampa's figures in converting colonial liquid measurements. "El sistema de pesos y medidas colonial," Memorias de la Academia Mexicana de la Historia, 26 (1967), 1-37.

21. "Informe sobre pulquerías," pp. 384-385. Also see Humboldt, Political Essay, II, 91-94; Viera, Compendiosa narración, p. 91; Gibson, Aztecs, p. 396. To calculate the per capita figure, I used the 1784 customs account which showed that 2.5 million arrobas of pulque legally entered the city.

22. AGN, Policía, vol. 32, fol. 239.

23. Bando, Branciforte, July 8, 1796, AGN, Bandos, vol. 18, fol. 319; LR: C (1794), fol. 13v.

24. Sixty-one per cent of the men arrested as compared to fifty-eight per cent of the women arrested for intoxication were over twenty-nine.

25. Superior order, Revillagigedo, February 5, 1793, AGN, Policía, vol. 19, fol. 138.

26. AJT, Penal, vol. 4 (1790), exp. 22.

27. Informe, Junta del Gobierno del Consulado, AGN, Civil, vol. 2126, exp. 2, fol. 2v.

28. AGJ, Penal, vol. 2 (1803), exp. 30.

29. See Keller, "Other Effects of Alcohol," p. 15.

30. Gazetas de México, March 1, 1791, p. 276.

31. Saporizurieta to Iturrigaray, October 31, 1807, AGN, Civil, vol. 2126, exp. 1, fol. 79; Humboldt, Political Essay, I, 149-150; "Informe sobre pulquerías," p. 199.

32. Cédula, August 24, 1529, AGN, Historia, vol. 573, exp. 2, fols. 6-6v.

33. Gibson, Aztecs, pp. 150 and 409.

34. Horton, "The Functions of Alcohol," pp. 199-320.

35. Viera, Compendiosa narración, p. 91.

36. See, for example, AGJ, Penal, vol. 2 (1803), exp. 29; LR: C (1794), fol. 30v; LR: C (1796), fols. 7v-8; Gazetas de México, January 11, 1791, pp. 243-244.

37. Bucareli to Corregidor, November 2, 1775, AGN, Ayuntamiento, vol. 195; Viera, Compendiosa narración, p. 103.

38. Bernardo Bonavía to Revillagigedo, January 5, 1793, AGN, Policía, vol. 19, fols. 91-91v; Sedaño, Noticias de México, II, 18.

39. "Informe sobre pulquerías," p. 227; Consulado to Iturrigaray, July 20, 1807, AGN, Civil, vol. 2126, exp. 1, fols. 43-43v; dictamen, Francisco Alonso Teran to Junta del Gobierno del Consulado, June 6, 1807, Ibid., exp. 2, fol. 15.

40. Arrendatarios de Pulque de México to Revillagigedo, January 1793, AGN, Policía, vol. 19, fol. 118; "Informe sobre pulquerías," p. 208.

41. AGN, Historia, vol. 573, fols. 2-8; "Ordenanzas de Pulquerías," January 25, 1793, AGN, Bandos, vol. 17, fol. 32.

42. "Informe sobre pulquerías," pp. 207-208 and 211-212.
43. For sketches of four pulquerías, see AGN, Policía, vol. 15, fols. 47-48.
44. Ibid., vol. 17, fols. 38-39v, 42-49 and 56-59v. For an example of a tavern-store, see AJT, Penal, vol. 11 (1809), exp. 39.
45. Informe, Junta del Gobierno del Consulado, May 30, 1807, AGN, Civil, vol. 2126, exp. 2, fol. 3; Consulado to Iturrigaray, July 20, 1807, Ibid., exp. 1, fol. 46; Saparzurietas to Iturrigaray, October 31, 1807, Ibid., fol. 76; AJT, Penal, vol. 3 (1785), exp. 12; vol. 6 (1796), exps. 29 and 37; vol. 11 (1808), exp. 29; LR: A0 (1807), fol. 55.
46. Consulado to Iturrigaray, July 20, 1807, AGN, Civil, vol. 2126, exp. 1, fols. 43-43v; Borbon to Iturrigaray, January 30, 1806, Ibid., fol. 19v.
47. "Informe sobre pulquerías," pp. 205-206; AGN, Policía, vol. 19, fols. 17v-18, 20, 91 and 193v-194.
48. "Informe sobre pulquerías," p. 227. See Chapter One, Table 1.
49. Alcaldes de barrio nos. 29-32 to José Mariano Sánchez y Mora, August 22, 1805, AGN, Civil, vol. 2126, exp. 1, fols. 1-1v; informe, Junta del Gobierno del Consulado, May 30, 1807, Ibid., exp. 2, fol. 3.
50. Discurso, Olloquí, June 6, 1807, Ibid., fols. 7v-8.
51. AJT, Penal, vol. 3 (1785), exp. 12; Consulado to Iturrigaray, March 15, 1808, AGN, Civil, vol. 2126, exp. 1, fol. 88v.
52. "Informe sobre pulquerías," pp. 207, 215 and 227.
53. Ibid., p. 202; Basall to Fiscal Protector de Indios, June 19, 1800, AGN, Policía, vol. 32, fol. 173v; José Castanares to Juan Navarro, August 7, 1806, Ibid., fol. 263; AGJ, Penal, vol. 3 (1805), exp. 1.
54. Francisco Rosete to Francisco Saavedra, December 5, 1794, AGN, Policía, vol. 19, fol. 11.
55. Sedaño, Noticias de México, II, 37; AGN, Policía, vol. 15, exp. 1.
56. Miguel de Yrisarri to Revillagigedo, June 26, 1794, AGN, Policía, vol. 15, exp. 1, fol. 35v; Valenzuela to Revillagigedo, February 9, 1793, Ibid., vol. 19, fol. 143v; Bucareli to Corregidor, January 2, 1775, AGN, Ayuntamiento, vol. 195; Gibson, Aztecs, p. 394.

57. Doris M. Ladd, The Mexican Nobility at Independence, 1780-1826 (Austin, 1976), pp. 42-45, 239 note 41, and 270 note 31. Also see Gibson, Aztecs, pp. 290 and 396.

58. Dean y cabildo eclesiástico to Revillagigedo, June 27, 1793, AGN, Policía, vol. 19, fols. 207-208. According to Gibson, some of the most fertile lands in the valley of Mexico shifted to maguey cultivation in the late eighteenth century. Aztecs, pp. 318 and 556 note 101.

59. Humboldt, Political Essay, II, 524.

60. La administración de...Bucareli, I, 433-435; Humboldt, Political Essay, II, 526; Gibson, Aztecs, pp. 329-331.

61. Ladd, Mexican Nobility, p. 141.

62. Gazetas de México, February 27, 1787, p. 308; April 26, 1791, p. 312; August 21, 1792, p. 148; January 21, 1795, p. 16; Gibson, Aztecs, p. 329.

63. AJT, Penal, vol. 4 (1791), exp. 59; José Alvarez y Cuebas to Branciforte, December 28, 1797, AGN, Ayuntamiento, vol. 192.

64. AGN, Policía, vol. 17, fols. 56-59v. Also see petitions by vinateros in AGN, Civil, vol. 2126, exps. 6 and 9.

65. Bando, Bucareli, December 15, 1772, AGN, Bandos, vol. 8, fol. 38; AJT, Penal, vol. 6 (1796), exps. 29 and 37.

66. Norberto García Menocal to Bucareli, August 20, 1772, AGN, Ayuntamiento, vol. 159; AJT, Penal, vol. 8 (1801), exp. 36.

67. Sedaño, Noticias de México, I, 60.

68. AJT, Penal, vol. 6 (1796), exp. 54.

69. AGN, Policía, vol. 29, fols. 337v-338.

70. "Ordenanzas de Pulquerías," Revillagigedo, January 25, 1793, AGN, Bandos, vol. 17, fols. 31-38; AJT, Penal, vol. 5 (1791), exp. 30; vol. 7 (1797), exp. 12; Beleña, Recopilación sumaria, I, 4th, XXXIV.

71. Borbon to Iturrigaray, January 30, 1806, AGN, Civil, vol. 2126, exp. 1, fol. 18.

72. Dictamen, Junta de Gobierno del Consulado, Ibid., exp. 2, fol. 19v. Also see "Informe sobre pulquerías," p. 214.

73. For example, see AJT, Penal, vol. 5 (1791), exp. 4; vol. 9 (1802-03), exps. 9 and 57; AGJ, Penal, vol. 1 (1802), exps. 54-56; AGN, Policía, vol. 20, fol. 228.

74. AJT, Penal, vol. 3 (1789), exp. 68; vol. 7 (1797), exp. 12; vol. 9 (1801-03), exps. 2 and 47; Beleña, Recopilación sumaria, I, 4th, XXXIV.

75. Saavedra to Revillagigedo, December 28, 1792, AGN, Policía, vol. 19, fols. 58-59; "Informe sobre pulquerías," p. 208.

76. AJT, Penal, vol. 3 (1785), exp. 12; AGJ, Penal, vol. 1 (1802), exps. 11, 23 and 39; LR: C (1794), fol. 13v; LR: AB (1798), fols. 13v-14; "Informe sobre pulquerías," p. 213.

77. AJT, Penal, vol. 3 (1785), exp. 12.

78. AJT, Penal, vol. 3 (1785), exp. 16; AGJ, Penal, vol. 1 (1802), exp. 39; LR: AB (1798), fol. 21v; Manuel Castillo Negrete to Iturrigaray, October 27, 1803, AGN, Policía, vol. 32, fol. 217.

79. AJT, Penal, vol. 4 (1790), exp. 9; vol. 11 (1808), exp. 29; AGJ, Penal, vol. 2 (1803), exp. 28; Antonio Méndez Prieto to Revillagigedo, December 13, 1792, AGN, Policía, vol. 19, fols. 40-41v.

80. "Informe sobre pulquerías," pp. 234-235 and 366; Bernardo Zuleta to Negrete, AGN, Policía, vol. 32, fol. 215; AGJ, Penal, vol. 2 (1803), exp. 28.

81. "Informe sobre pulquerías," p. 228; AGN, Historia, vol. 60, exp. 2, fol. 30.

82. AJT, Penal, vol. 11 (1808), exp. 38; Consulado to Iturrigaray, July 20, 1807, AGN, Civil, vol. 2126, exp. 1, fol. 46v.

83. Sánchez to Iturrigaray, August 22, 1805, AGN, Civil, vol. 2126, exp. 1, fols. 3v-4.

84. AGN, Ayuntamiento, vol. 191, exp. 3; AGN, Policía, vol. 29, fols. 341-341v; AJT, Penal, vol. 11 (1809), exp. 39.

85. "Informe sobre pulquerías," pp. 217 and 223-224; Alcaldes de barrio nos. 29-32 to Sánchez, August 22, 1805, AGN, Civil, vol. 2126, exp. 1, fols. 1-lv.

86. Torres to Palma, December 19, 1748, BN, MS 1186 (23), fol. 2.

87. "Informe sobre pulquerías," pp. 224-225; Consulado to Iturrigaray, March 15, 1808, AGN, Civil, vol. 2126, exp. 1, fol. 89; AJT, Penal, vol. 5 (1791), exp. 30; AGJ, Penal, vol. 2 (1803), exp. 30; Viera, Compendiosa narración, pp. 91-92.

88. Arrendatarios de Pulque de México to Revillagigedo, January 1793, AGN, Policía, vol. 19, fol. 118v; Cosme de Mier to Branciforte, February 19, 1798, *Ibid.*, vol. 31, fol. 104; testimony of Manuel Martínez del Campo in Residencia of Revillagigedo, June 19, 1796, AGN, Historia, vol. 59, exp. 4; "Informe sobre pulquerías," p. 218.

89. Sedaño, Noticias de México, II, 63-67.
90. LR: C (1794), fol. 69v; LR: AO (1796), fols. 87 and 111v; LR: AB (1798), fol. 27; LR: AO (1807), fol. 21.
91. Hipólito Casiano Linares to Caribay, AGN, Policía, vol. 32, fol. 282; AGN, Ordenanzas, vol. 1, fol. 103; Beleña, Recopilación sumaria, I, 5th, DCXVIII.
92. Saporzurieta to Iturrigaray, April 30, 1808, AGN, Civil, vol. 2126, exp. 1, fols. 104v-105; AJT, Penal, vol. 3 (1785), exp. 18.
93. La administración de...Bucareli, I, 433-435.
94. AJT, Penal, vol. 4 (1790), exps. 17 and 47; LR: AB (1798), fol. 9v; LR: AO (1807), fols. 22v-23. For a profile of the cuberas, see Chapter Four, Tables 81-83.
95. "Informe sobre pulquerías," pp. 224-225, 365 and 369; LR: AO (1807), fol. 34.
96. "Informe sobre pulquerías," p. 219. Pulque production for home use was not subject to taxation. See Gibson, Aztecs, pp. 318-319.
97. AJT, Penal, vol. 3 (1785), exp. 10; vol. 5 (1791), exp. 30; Manuel Toro and Francisco Manuel Nieto to Viceroy Venegas, December 18, 1810, AGN, Policía, vol. 32, fol. 294.
98. AJT, Penal, vol. 5 (1791), exp. 30.
99. LR: AO (1796), fols. 60-60v; LR: AB (1798), fols. 19-19v.
100. Beleña, Recopilación sumaria, I, 5th, CXI.
101. For some examples of the accessibility of intoxicants, see AJT, Penal, vol. 4 (1790), exp. 17; LR: C (1796), fol. 15v; LR: AB (1798), fol. 13.
102. Sala del Crimen to Iturrigaray, May 28, 1808, AGN, Civil, vol. 2126, exp. 4, fol. 5.
103. "Informe sobre pulquerías," p. 193; Consulado to Iturrigaray, July 20, 1807, AGN, Civil, vol. 2126, exp. 1, fol. 43v.
104. Instrucción...Revilla Gigedo, p. 88.
105. Beleña, Recopilación sumaria, II, 357; "Informe sobre pulquerías," p. 193.

106. Acuerdo, July 20, 1778, AGN, Padrones, vol. 52, fols. 58-58v. By suggesting abolishment and relocation of pulquerías, the Audiencia was following a policy adopted by the Sala del Crimen in 1753. In that year, the criminal tribunal abolished twelve pulquerías in the inaccessible barrios. AGN, Historia, vol. 573, fols. 41-53.

107. AGN, Civil, vol. 1496, fols. 174-176; AGN, Padrones, vol. 52, fols. 227-228; Beleña, Recopilación sumaria, I, 5th, XC.

108. "Ordenanza de la división de México en Cuarteles," Mayorga, December 4, 1782, AGN, Bandos, vol. 12, fols. 101-124; "Reglamento para el gobierno que ha de observar en el alumbrado de las calles de México," Revillagigedo, April 7, 1790, Ibid., vol. 15, fols. 158-160.

109. Ibid., vol. 17, fols. 34v-36; bando, Branciforte, July 8, 1796, Ibid., vol. 18, fol. 319; bando, Marquina, December 20, 1800, Ibid., vol. 20, fol. 275; bando, Audiencia, June 5, 1810, Ibid., vol. 25, fol. 103.

110. Sala del Crimen to Iturrigaray, January 7, 1806, AGN, Civil, vol. 2126, exp. 1, fol. 9; "Informe sobre pulquerías," p. 229.

111. Discurso, Olloqui, June 6, 1807, AGN, Civil, vol. 2126, exp. 2, fols. 7-7v.

112. Bando, Vizarrón, AGN, Bandos, vol. 3, fols. 29-30; Menocal to Bucarell, August 20, 1772, AGN, Ayuntamiento, vol. 159; Torres to Palma, December 19, 1748, BN, MS 1186 (23), fol. 2. Also see Cooper, Epidemic Disease, pp. 78-80.

113. AGN, Historia, vol. 58, exp. 17, fol. 619; Ramón Gutiérrez de Maza to Venegas, March 20, 1811, AGN, Civil, vol. 2126, exp. 7, fol. 135; "Informe sobre pulquerías," p. 194. Also see AJT, Penal, vol. 6 (1796), exp. 47; AGJ, Penal, vol. 1 (1802), exp. 12.

114. AJT, Penal, vol. 3 (1785), exp. 27; LR: AO (1796), fol. 106v.

115. Instrucción...Revilla Ggedo, pp. 84 and 88.

116. Discurso, Olloqui, June 6, 1807, AGN, Civil, vol. 2126, exp. 2, fol. 8v.

117. Instrucción...Montañés, pp. 72-73. After the June riot, the Viceroy prohibited the sale of pulque in Mexico City. Five years later, however, Viceroy Moctezuma legalized the sale of unadulterated "pulque blanco." AGN, Historia, vol. 573, fols. 1-21v.

118. Superior order, Revillagigedo, January 22, 1793, AGN, Policía, vol. 19, fols. 125-125v.

119. AAA, Policía. Seguridad, vol. 1, exp. 43.

120. "Informe sobre pulquerías," pp. 234-235.

121. Instrucción...Revilla Gigedo, pp. 88-90.
122. Revillagigedo to Saavedra, December 30, 1792, AGN, Policía, vol. 19, fols. 60-61.
123. "Ordenanzas de Pulquerías," Revillagigedo, January 25, 1793, AGN, Bandos, vol. 17, fols. 37-37v.
124. Saavedra to Revillagigedo, December 8, 1792, AGN, Policía, vol. 19, fols. 19-19v; Alcaldes de barrio nos. 17-20 to Urrutia, December 7, 1792, Ibid., fols. 20-20v; Irisarri to Revillagigedo, December 10, 1792, Ibid., fols. 32-33.
125. Revillagigedo to Irisarri, December 10, 1792, Ibid., fol. 34. Also see AGN, Bandos, vol. 17, fols. 36-38.
126. Saavedra to Revillagigedo, December 28, 1792, AGN, Policía, vol. 19, fols. 58-59; superior order, Revillagigedo, December 30, 1792, Ibid., fols. 63-63v.
127. "Lista General de las Pulquerías que hay en esta Ciudad y sus Barrios," Valenzuela to Revillagigedo, December 31, 1792, Ibid., fol. 69. In the early 1780's, only twenty-four of the forty pulquerías had seats and benches. "Informe sobre pulquerías," pp. 210-211.
128. Saavedra to Revillagigedo, December 28, 1792, AGN, Policía, vol. 19, fols. 58-59.
129. Superior order, Revillagigedo, January 1, 1793, Ibid., fols. 72-72v.
130. Valenzuela to Revillagigedo, January 3, 1793, Ibid., fols. 81-81v; superior order, Revillagigedo, January 10, 1793, Ibid., fol. 94.
131. Arrendatarios de Pulque de México to Revillagigedo, January 1793, Ibid., fols. 116-119v.
132. Superior oficio, Revillagigedo, January 22, 1793, Ibid., fols. 125-125v.
133. Superior oficio, Revillagigedo, February 5, 1793, Ibid., fol. 138.
134. Superior oficio, Revillagigedo, December 25, 1792, Ibid., fol. 49. Also see Urrutia to Revillagigedo, December 26, 1792, Ibid., fols. 52-52v.
135. "Ordenanzas de Pulquerías," Revillagigedo, January 25, 1793, AGN, Bandos, vol. 17, fols. 31-38; superior order, Revillagigedo, February 5, 1793, AGN, Policía, vol. 19, fols. 141-143. The pulquería committee formed in the early 1780's concluded that the scarcity of the ordinances was a contributing factor to the "disorder" in the administration of the pulquerías. "Informe sobre pulquerías," p. 203.

136. Urrutia to Revillagigedo, December 7, 1792, AGN, Policía, vol. 19, fols. 21-22; Prieto to Revillagigedo, December 27, 1792, Ibid., fols. 57-57v; Urrutia to Revillagigedo, January 25, 1793, Ibid., fols. 115-116; Valenzuela to Revillagigedo, March 27, 1793, Ibid., fol. 197.

137. Instrucción...Revilla Ggedo, p. 90.

138. Bando, Branciforte, July 8, 1796, AGN, Bandos, vol. 18, fol. 319.

139. Antonio Rodríguez de Velasco to Revillagigedo, May 1794, AGN, Policía, vol. 15, fols. 3-3v; Ibid., vol. 32, fols. 210-213; AGJ, Penal, vol. 1 (1802), exp. 23; vol. 2 (1803), exp. 2. Also see bando, Calleja, September 18, 1812, AGN, Bandos, vol. 25, fol. 115.

140. Consulado to Iturrigaray, July 20, 1807, AGN, Civil, vol. 2126, exp. 1, fols. 49-49v.

141. AGN, Ayuntamiento, vol. 117, exp. 6, fols. 17v-20.

142. Beleña, Recopilación sumaria, I, 5th, DCXVIII; bando, Azanza, January 11, 1800, AGN, Bandos, vol. 20, fol. 161. Azanza also closed most casas or puestos de pulque in the neighboring jurisdictions of Tacuba, Coyoacan, and Guadalupe. The illegal taverns reappeared within a decade. See AGN, Policía, vol. 32, fols. 159-207v.

143. LR: AO (1807), fols. 14-14v, 17v-18 and 26v.

144. Arrendatarios de Pulque de México to Revillagigedo, January 1793, AGN, Policía, vol. 19, fol. 118; AJT, Penal, vol. 6 (1796), exp. 37; vol. 7 (1797), exp. 22; vol. 12 (1810), exps. 62 and 64; LR: AO (1796), fol. 71v.

145. Bachiller to Marquina, July 9, 1800, AGN, Policía, vol. 32, fol. 202.

146. Bando, Croix, October 1, 1766, AJT, Penal, vol. 7 (1797), exp. 12; auto acordado, Sala del Crimen, October 31, 1772, Ibid., vol. 5 (1791), exp. 30; AGN, Historia, vol. 60, exp. 2, fols. 29v-30; circular, Marquina, August 10, 1801, AGN, Civil, vol. 2126, exp. 1, fols. 27-27v.

147. Bando with cédula, Branciforte, December 9, 1796, AGN, Bandos, vol. 18, fols. 426-439v; Los Comisionados del Comercio de España to Revillagigedo, March-July 1792, AGN, Policía, vol. 27, fols. 1-13v. While the price of a barrel of colonial brandy ranged between twenty and twenty-five pesos, Spanish brandy cost between thirty and fifty-five pesos per barrel. Viceroy Croix and Revillagigedo called for the legalization of brandy made in New Spain. Angel de Cuevas to Mayorga, January 28, 1783, AGN, Ayuntamiento, vol. 194, exp. 14; Instrucción...Revilla Ggedo, p. 101.

148. Consulado to Iturrigaray, March 15, 1808, AGN, Civil, vol. 2126, exp. 1, fol. 92.

149. The number of guardafaroleros remained relatively stable in this period. For the 1810 arrest figure, see Vicente Reyna to Mazo, March 20, 1811, Ibid., exp. 7, fol. 127.

150. Discurso, Olloquí, June 6, 1807, Ibid., exp. 2, fol. 5.

151. Sala del Crimen to Iturrigaray, January 7, 1806, Ibid., exp. 1, fols. 9v-10; "Informe sobre pulquerías," p. 370.

152. Bando, Audiencia, June 5, 1810, AGN, Bandos, vol. 25, fol. 103.

153. Documents on the 1804-1811 vinatería reform are located in AGN, Civil, vol. 2126, exps. 1-4 and 7-11.

154. One street ran through the middle of cuarteles menores 21 and 23 to the western edge of the city, another from the Plaza de Santo Domingo northward to the middle of minor districts 2 and 15, and the third from minor districts 12 and 18 to the city gate of San Antonio Abad at the southern edge of the capital.

155. Consulado to Iturrigaray, March 15, 1807, AGN, Civil, vol. 2126, exp. 1, fols. 88-95.

156. AGN, Ordenanzas, vol. 1, fols. 87v-88v; vol. 4, fols. 4v-6v. In 1778, the Sala del Crimen failed to enforce the traza regulation. Consulado to Iturrigaray, March 15, 1807, AGN, Civil, vol. 2126, exp. 1, fol. 88v.

157. Borbon to Iturrigaray, January 30, 1806, AGN, Civil, vol. 2126, exp. 1, fols. 16-22v.

158. Saparzurrieta to Iturrigaray, Ibid., fol. 97v.

159. The January 11, 1800 viceregal decree also prohibited the sale of pulque in these establishments. AGN, Bandos, vol. 20, fol. 161.

160. Bataller to Iturrigaray, April 26, 1807, AGN, Civil, vol. 2126, exp. 1, fols. 36-39v.

161. Decree, Audiencia, June 16, 1810, Ibid., fols. 144-144v.

162. Letter of Juan José Taboada, Ibid., exp. 7, fol. 64. See expediente 9 for numerous petitions.

163. Mazo to Venegas, March 20, 1811, Ibid., exp. 7, fols. 128-129. Also see Consulado to Venegas, October 13, 1810, Ibid., fols. 65-66v.

164. Francisco Xavier Benítez to Mazo, March 20, 1811, Ibid., fol. 124.

165. For the complete report, see Mazo to Venegas, March 20, 1811, Ibid., fols. 123v-145.

166. Despite a desire to reduce the number of vinaterías, Mazo proposed that proprietors of pulperías be allowed to resume the sale of intoxicants since they generally sold aguardiente in limited quantities at reduced prices (one-quarter real) to customers who drank the beverage for medicinal purposes. Ibid., fols. 132v-133v.

167. Los cosecheros y tratantes de Pulques to Venegas, September 28, 1811, Ibid., exp. 11, fols. 1-2v.

168. Aviso público, September 30, 1811, Ibid., fol. 3; acuerdo, Audiencia, November 18, 1811, Ibid., fols. 11-12.

169. Mazo to Venegas, October 9, 1811, Ibid., fols. 7-10v. Also see letter of Juan Rubi, fols. 17-17v.

170. Conde de Casa de Heras to Viceroy Calleja, August 27, 1816, Ibid., exp. 12, fols. 2-3. See letter of November 10, 1816 to Calleja, fols. 5-6.

171. Saparzurrieta to Viceroy Apodaca, December 31, 1816, Ibid., fols. 7-9v.

172. Consulado to Iturrigaray, July 20, 1807, Ibid., exp. 1, fols. 52v-53v.

173. AGN, Ayuntamiento, vol. 107, exp. 3, fols. 13-23 and 32-33; AGN, Policía, vol. 15, fols. 245-288v. For a good example of the duties the alcaldes de barrio were expected to perform, see AJT, Penal, vol. 4 (1791), exp. 57.

174. For some examples of negligent guardafaroleros, see LR: C (1794), fol. 17; LR: C (1796), fols. 5 and 8v-9.

175. AGN, Ayuntamiento, vol. 177, exp. 10; vol. 191, exp. 3; vol. 192, exps. 3 and 7; vol. 194, exp. 2; vol. 211, exp. 8; vol. 211, exp. 8; vol. 219, fols. 212 and 314; AJT, Penal, vol. 4 (1791), exp. 59; vol. 5 (1791), exp. 30.

176. "Informe sobre pulquerías," pp. 234-235 and 366.

177. Humboldt, Political Essay, IV, 209-216; Instrucción...Revilla Gigedo, pp. 279-280; "Informe sobre pulquerías," p. 386; Rodríguez de San Miguel, Pandectas, I, 722 nota.

178. "Informe sobre pulquerías," pp. 230-232; bando, Mayorga, September 18, 1780, AGN, Bandos, vol. 11, fol. 196; AGN, policía, vol. 33, fols. 212-214, 239-246 and 309; AGN, Historia, vol. 59, exp. 11, fols. 592-594 and 605; vol. 60, exp. 1, fols. 6-7; Instrucción...Revilla Ggedo, p. 280; Cooper, Epidemic Disease, pp. 140-141.

179. AGN, Policía, vol. 15, fols. 166-166v; vol. 20, fol. 224; Mier to Branciforte, February 19, 1798, Ibid., vol. 31, fol. 104; AGN, Historia, vol. 60, exp. 12, fol. 96.

180. AGN, Policía, vol. 32, fol. 239. Also see bando, Mayorga, January 8, 1781, AGN, Bandos, vol. 11, fol. 271.

181. Mazo to Venegas, March 20, 1811, AGN, Civil, vol. 2126, exp. 7, fol. 135.

182. Discurso, Olloqui, June 6, 1807, Ibid., exp. 2, fol. 5.

183. Libro de Reos. Alcalde ordinario mas antiguo, 1798 (hereafter cited as LR: AO (1798)), fol. 35v.

184. For mid-nineteenth century population and arrest data, see Shaw, "Poverty and Politics," pp. 38-39 and 275.

TABLE 90

DRINK CRIMES: SEX OF OFFENDER
(PER CENT)

Sex	Intoxication	Vinateria Violation	Illegal Tavern	Census
Male	75	83	79	42
Female	25	17	21	58
Total cases 3,031				

TABLE 91

DRINK CRIMES: MARITAL STATUS OF FEMALE OFFENDER
(PER CENT)

Marital Status	Intoxication	Vinateria Violation	Illegal Tavern	Census
Single	19	41	25	27
Married	40	31	52	47
Widowed	41	28	23	26
Total cases 708				

TABLE 92

DRINK CRIMES: MARITAL STATUS OF MALE OFFENDER
(PER CENT)

Marital Status	Intoxication	Vinateria Violation	Illegal Tavern	Census
Single	28	35	23	31
Married	62	61	69	60
Widowed	10	4	8	9
Total cases 2,255				

TABLE 93

DRINK CRIMES: AGE OF OFFENDER
(PER CENT)

Age	Intoxication	Vinateria Violation	Illegal Tavern	Census
Under 20	3	15	6	15
20-29	36	40	42	37
30-39	31	26	25	21
40-49	17	8	14	15
Over 49	13	11	13	12
Total cases 3,031				

TABLE 94

INTOXICATION: AGE OF OFFENDER BY RACE
(PER CENT)

Age	Spanish	Indian	Mestizo	Mulatto	Census
Under 20	2	3	5	2	15
20-29	27	42	33	23	37
30-39	29	31	32	34	21
40-49	20	15	16	26	15
Over 49	22	9	14	15	12
Total cases 2,473					

TABLE 95

DRINK CRIMES: OCCUPATION OF OFFENDER
(PER CENT)

Occupation	Intoxication	Vinateria Violation	Illegal Tavern	Census
Low skilled	45	34	32	43
Artisan	52	58	62	40
Merchant	1	4	3	7
Other	2	4	3	10
Total cases 2,235				

TABLE 96

DRINK CRIMES: RACE OF OFFENDER
(PER CENT)

Race	Intoxication	Vinateria Violation	Illegal Tavern	Census
Spanish	23	38	41	46
Indian	55	35	38	28
Mestizo	17	20	19	19
Mulatto	5	7	2	7
Total cases 3,007				

TABLE 97

INTOXICATION: ORIGIN OF OFFENDER BY RACE
(PER CENT)

Origin	Spanish	Indian	Mestizo	Mulatto
Mexico City	60	56	61	77
Provinces	38	44	39	23
Other	2	0	0	0
Total cases 2,467				

TABLE 98

INTOXICATION: RACE OF OFFENDER BY ORIGIN
(PER CENT)

Race	Mexico City	Provinces
Spanish	24	22
Indian	52	59
Mestizo	17	16
Mulatto	7	3
Total cases 2,460		

TABLE 99

DRINK CRIMES: ORIGIN OF OFFENDER
(PER CENT)

Origin	Intoxication	Vinateria Violation	Illegal Tavern	Estimate
Mexico City	59	63	61	58
Provinces	40	36	39	41
Other	1	1	0	1
Total cases 3,026				

TABLE 100

COURT SENTENCES FOR PROPRIETORS AND
CUSTOMERS OF ILLEGAL TAVERNS
(PER CENT)

Sentence	Proprietor	Customer
Fine	72	58
Released	26	38
Jail	2	2
Public works	0	1
Other	0	1
Total cases	370	

TABLE 101

CRIMES COMMITTED BY GUARDAFAROLEROS

Crime	Per Cent
Abandonment of post	26
Intoxication	21
Sleeping on duty	16
Bribery	9
Theft	7
Tavern violations	4
Sex crimes	4
Assault	4
Illegal arrest	3
Other	6
Total cases	91

TABLE 102
COURT SENTENCES GIVEN TO GUARDAFAROLLEROS

Sentence	Per Cent
Acquittal	33
Public works	20
Jail	16
Solitary confinement	8
Victim compensation	7
Dismissal from office	5
Formal case	3
Flogging	2
Other	6
Total cases 91	

CHAPTER SIX
THE COURTS, JUSTICE, AND THE URBAN POOR

In the opinion of viceregal and municipal authorities, violence, theft, gambling, drunkenness, and broken family life among the poor threatened the proper maintenance of law and order in late colonial Mexico City. The creation of police forces, the construction of nine military barracks in strategically located districts, the establishment of a permanent street lighting system, and the opening of the Hospicio de Pobres and Monte de Piedad represented measures the authorities adopted in the late eighteenth century to minimize social disintegration and secure compliance with elite conduct norms. The imposition of penal sanction through the municipal court system constituted one of the principal formal methods of social control in the city during this period. The complexity of urban society meant that the law and judicial tribunals dealt with criminal acts which in the smaller and more socially homogeneous villages were more effectively handled through community mores and opinion. The viceroys regarded themselves as the fathers of the "poor and miserable people" and, in exchange for obedient and submissive behavior, offered affection and protection. Disrespect or transgression of the law led to harsh punishment. A father was obligated to discipline wayward children.¹

According to the Sala del Crimen in 1772, inadequate court systems and lax sentencing practices undermined the implementation of the State's penal philosophy. Five tribunals, those of the Sala, the two alcaldes

ordinarios, the corregidor, and the Acordada, were responsible for the daily pursuit, capture, and trial of malefactors, but police work was largely passive, with most arrests made on the basis of a complaint. The overwhelming majority of criminals never appeared in court. Crime rates remained high, and the poor exhibited little respect for local and viceregal authority. The *alcaldes del crimen* concluded that "the application of the penalties, is the only means to contain the insolence of the Criminals."² And current judicial organization and procedures impeded effective enforcement of the law.

Punishment of all criminal offenders necessitated the founding of new judicial institutions.³ By the late eighteenth century, Mexico City had outgrown its sixteenth century police and court systems. Even the use of the Acordada to patrol the streets was ineffective. After unsuccessful attempts in 1713, 1720, 1744, and 1750, the colonial authorities in 1783 finally expanded the municipal court system by establishing a tribunal in each of the eight newly created major administrative districts. The five *alcaldes del crimen*, the two *alcaldes ordinarios*, and the *corregidor* served as the principal judges of the lower tribunals. Revillagigedo added a ninth tribunal in 1790 with the establishment of street lighting and the *guardafaroleros*. Entrusted to the *corregidor*, this court judged all offenders arrested by the night police. Each magistrate was assisted by an escribano (scribe), four *alcaldes de barrio*, ten to sixteen *ministros de vara* (deputy ward police), and innumerable gufas (police informers). An asesor advised the *alcaldes ordinarios* and the *corregidor* on a variety of legal matters ranging from proper investigatory methods to imposition of equitable court sentences. Because of their status as letrados (lawyers), the *alcaldes del crimen* did not

require the services of a legal advisor.⁴ The reform of the municipal judiciary removed the Sala del Crimen from the daily concerns of law enforcement. It still reviewed cases from outside the capital and approved all homicide and some theft sentences passed in the lower tribunals in the city.⁵

The expanded court and police structures admirably performed their intended functions. More criminals were apprehended and received some form of punishment. Whereas the pre-1783 system handled probably no more than 1,000 criminal offenders annually, the municipal magistrates by the 1790's sentenced almost ten times as many each year, and the volume of cases increased throughout the first decade of the nineteenth century.⁶ Prosecuting each case as a formal court trial, however, would have encumbered the understaffed lower courts. The magistrates did not have the necessary human resources to conduct thorough investigations into all cases. They instead relied upon an informal judicial system to judge the vast majority of offenders. Between 1795 and 1807, less than five per cent of all cases became *causas criminales*. As seen in Table 103, the courts reserved formal prosecutions for the more serious offenses. All homicides were handled formally, with 40.0 per cent of the rapes, 33.0 per cent of the gambling violations, 21.2 per cent of the aggravated assaults, 14.3 per cent of the common-law marriages, 12.3 per cent of the vagrancy cases, 9.5 per cent of the thefts, and 7.9 per cent of the family offenses treated similarly.⁷ Even the use of the formal system was minimal. With the exception of homicides, the judges prosecuted the majority of offenders charged with these crimes in *juicios verbales*. Given the number of criminals processed yearly, proper functioning of the lower courts depended upon the expedition of most cases.⁸

The magistrates adopted no uniform policy regarding the formal prosecution of cases. The likelihood of forming a criminal case largely depended upon the circumstances surrounding the crime. Formal prosecution in gambling violations, for instance, depended upon the amount of money wagered as well as the location of the activity. A game in a gambling parlor involving total bets of over fifty pesos would more than likely be treated as a *causa criminal*. Aggravated assaults became formal trials if the victim's life was endangered; thefts if the value of the stolen merchandise exceeded 100 pesos or if the crime took place in a church or in a home of an influential person; common-law marriages if the couple lived for many years in free union or if unwed offenders refused to marry; and family crimes if the offender had been arrested several times previously on similar charges.⁹

Table 105 lists the types and relative usage of sentences imposed by the lower tribunals in informal hearings in 1798. I selected this year since the *Libros de Reos* for 1798 represent a wider range of jurisdictions in the city. Lower courts not included in the judicial inventories handed down similar sentences for similar crimes.¹⁰ The table portrays only one point in time, however. As will be discussed, the usage of each sentence varied over the years as a result of changing attitudes toward the effectiveness of punishment.

Whereas criminal behavior reveals much about the subculture of the urban poor, court sentences reflect attitudes and beliefs shared by the social elite. As Sellin remarks: "The character of punishments . . . is inextricably associated with and dependent on the cultural values of the state that employs them."¹¹ Punitive reaction to crime is a good indicator of the policies the elite thought would best protect their cherished

values as well as the degree of tolerance or disapproval for specific criminal acts.

Table 105 illustrates the moderation of the sentencing practices of the lower tribunals of Mexico City. Far from imposing harsh penalties, the municipal magistrates relied on punishments that were neither cruel nor severe. The courts acquitted or placed on probation nearly one-quarter of all offenders. Fines, accounting for 28.9 per cent of the sentences, were the most frequently used judicial penalty. They were burdensome to the poor, although the magistrates devised methods to facilitate payment. Jail (6.9 per cent) was infrequently employed as a form of punishment, and few offenders were flogged (3.8 per cent). Comprising less than one-fifth of all sentences, a term on the municipal public works projects represented the most physically demanding of all penalties since the offender labored in chain gangs on one of the city's improvement projects for one week. Other sentences such as incarceration in an *obraje*, *panadería* (bakery), or *depósito* (work detail for female offenders) were harsh, but combined they represented less than one per cent of all sentences. Contrary to contemporary statements, the colonial authorities, in practice, did not feel compelled to contain crime by imposing oppressive judicial sentences.

The absence of capital punishment, *presidio*, and *recogimiento* as sentences on the informal level is most striking. Even offenders prosecuted formally by the lower tribunals did not generally receive such penalties (see Table 126). The magistrates often threatened an offender with a term in a *presidio* or *recogimiento* in case of recidivism, but the admonitions were merely empty threats. Between 1795 and 1807, the courts did not dispatch one prisoner to either a military outpost or a women's

prison.¹² Josefina Muriel de la Torre's contention that all tribunals in New Spain sentenced most women offenders to the recogimientos and that the Recogimiento de Santa Marfa Magdalena in Mexico City was the most important colonial penal institution for women is entirely unfounded. With a capacity of 200, this prison contained a fraction of the women arrested annually.¹³ The Sala del Crimen and Acordada, not the lower courts, used presidio and recogimiento as formal sentences. From 1782 to 1808, for example, the Acordada judge sent almost 400 prisoners yearly to military outposts.¹⁴ Moreover, the Sala and Acordada customarily sentenced tepacheras to the recogimientos.¹⁵ Occasionally, offenders prosecuted by the lower tribunals were turned over to presidio authorities, but their numbers were never great even during the periodic round-ups of vagrants.¹⁶

The Sala del Crimen and particularly the Acordada were also responsible for all the executions administered by the secular tribunals in the late colonial period. Between 1703 and 1811, the Acordada sentenced 878 prisoners to death, primarily for homicide and highway robbery (salteador de caminos). A comparison of execution rates of the Acordada and Sala in the 1780's shows that the Acordada executed almost three times as many offenders.¹⁷ Whether this pattern reflects the relative incidence of capital punishment throughout the eighteenth century is a problem awaiting further research.

One unmistakable trend is the decreasing use of capital punishment by these tribunals during the eighteenth and early nineteenth centuries. In 1791, one murderer sentenced to death by the Sala bitterly complained that the sentence was grossly unjust since most persons convicted of homicide were now allowed to remain in jail indefinitely rather than die

on the Plaza Mayor.¹⁸ Table 106 confirms this practice. Analysis of data presented in MacLachlan's study reveals three distinct periods in the use of capital punishment by the Acordada, with each subsequent period showing a drop in its relative frequency. From 1703 to 1756, executions constituted 11.4 per cent of all the Acordada sentences but only 2.0 per cent from 1756 to 1781 and 0.6 per cent from 1781 to 1811. Public opinion among the elite played a key role in the shift away from capital punishment. Sedaño relates the famous 1786 incident when Viceroy Gálvez halted an execution in the Plaza and commuted the sentences to imprisonment. His action "brought much joy to Mexico (City) and was celebrated in all the kingdom."¹⁹

Established in an era of waning enthusiasm for capital punishment, the lower tribunals of the capital generally sentenced convicted murderers to the public works projects or released them after a prolonged investigation.²⁰ Even the brutal homicide of a police officer did not merit the death penalty. José Antonio Muñiz murdered a guardafarolero by striking him in the head with a rock, but the Corregidor released him a scant three months after the crime.²¹ In a period of greater instability, as seen in rising corn prices, crop failures, expanding urbanization, and the outbreak of the Independence movement, the colonial authorities did not attempt to maintain public order in Mexico City by imposing the death penalty. Despite periodic criticisms, they placed much faith in the newly created judicial structures.

The tempering of the harsh prescribed penalties also underlines the moderation of court sentences in informal cases. Although the crown strictly prohibited judicial discretion unless written into the law, the municipal magistrates altered numerous de jure penalties.²² The

discrepancy between the listed penalties and court sentences was greatest in aggravated assault and vagrancy (Table 103). According to a 1765 viceregal decree, all poor Spaniards arrested for aggravated assault were to remain incarcerated for a minimum of four months while Indians and castas were to receive 100 lashes in the city jail.²³ Not one case in the Libros de Reos conformed exactly to the law. Only 3.7 per cent of all offenders were flogged and only 1.6 per cent imprisoned, and twenty-five lashes and a one week jail term were the rule. As punishment, the judges levied fines on almost two-thirds of the offenders.

As stated in the 1788 royal instructions to corregidores, military service or forced labor constituted the proper punishment for vagrants.²⁴ The magistrates rarely complied with the law. Less than four per cent of all vagrants were turned over to military authorities or sentenced to the municipal improvement projects. As a result of their daily contact with the poor, the judges often recognized the inapplicability of the legal penalties and consequently modified the sentences to conform with the social and economic realities of the city. In most cases of aggravated assault and vagrancy, they merely warned the offender that if arrested for similar behavior, the court would impose the listed sentence with all due severity.²⁵ For the magistrates, the intent of the law was not to provide guidelines for sentencing criminals, but rather to retard criminal behavior by instilling fear into any potential lawbreaker.

Detailed analysis of the types of sentences the courts employed in informal cases yields additional insight into the nature of the municipal judicial system as well as the punitive policies the lower courts adopted to contain crime in Mexico City. Fines accounted for over

one-quarter of all sentences. The reliance on monetary penalties, however, had been constant since the seventeenth century.²⁶ The fiscal interest in punishment related to royal and viceregal concerns for the cost and efficiency of the judicial administrative system. In accordance with the law, magistrates allocated fines to three parties. One third (penas de cámara) went to municipal authorities who regarded the money as an important source of revenue. The informer (denunciante) of the crime received another third, and the remainder (gastos de justicia) was turned over to court and police officials as salary. In arrests not involving an informer, the officials generally received two-thirds of the fine.²⁷ On rare occasions, the judge assigned one-third to cover such miscellaneous expenses as furnishings for the women's infirmary in the city jail.²⁸

The division of spoils between the judicial officials and the informer served the dual purpose of motivating the police and private citizens to enforce the law and of maintaining a judicial system at little expense to the State. In some instances, informers collected over 100 pesos as a reward, but most received between one and fifteen pesos.²⁹ A wife could recover the money her husband lost in gambling by informing the police of the whereabouts of the gambling parlor. One woman's thirteen peso reward doubled the amount her spouse dissipated in a casa de juego.³⁰

With the exception of the magistrate and asesor, all judicial officials in the lower tribunals earned no fixed salary. Renumeration depended entirely upon money exacted through fines and court administrative fees. The crown also permitted the asesor to supplement his meager royal income by receiving a portion of the fines.³¹ Generally, the asesor,

alcalde de barrio, and escribano collected an equal share of the monies, while minor officials such as the ministros de vara and tenientes de alguacil mayor divided a comparable share.³² Income derived from judicial fines could be lucrative if the police official energetically dispatched his duties. In early 1791, the policeman of minor district 28 collected, as a result of only two patrols, a weekly average of almost sixteen pesos. Although not maintaining this pace over the course of the year, he still earned over 100 pesos based on no more than fifteen nightly patrols.³³ To increase the share to the police and court officials, several magistrates in the early 1790's assigned almost all the monies to these individuals, remitting only a token amount to the penas de camara. In 1807, the judge of the VII major district turned over the entire amount to the police.³⁴ Despite these irregularities in the dispersion of monies, the fiscal approach to punishment enabled the colonial authorities to maintain a well developed, but inexpensively administered criminal judicial system in Mexico City in the late colonial period.

As seen in Table 103, monetary penalties were most frequently imposed in cases of debt (91.4 per cent of all sentences), tavern violations (62.2 per cent), aggravated assault (57.7 per cent), gambling (31.8 per cent), and theft (19.8 per cent). The magistrates classified judicial fines into two general types: victim compensation and court costs. The emphasis was on the latter, however, as court costs accounted for over four-fifths of all fines levied by the lower tribunals. Used primarily in cases of gambling and tavern violations, fines generally ranged between three and five pesos. Jail fees doubled or even tripled the final cost to the offender.³⁵

In cases of theft, debt, and aggravated assault, the courts were more concerned with indemnifying the victim or creditor for the injury suffered rather than with exacting formal punishment. As monetary penalty for robberies, the offender had to either return the stolen merchandise or pay the equivalent value.³⁶ The courts detained debtors in jail until the creditor arranged some method of repayment. Most debts were under ten pesos, although some amounted to over 200 pesos. Cases of aggravated assault were more complicated. The magistrates generally incarcerated the offender until the victim fully recovered from the wounds. After the hospital discharged the victim, the offender paid a fine consisting of court costs, customarily around one peso, and the victim's medical fees. An extended hospital stay, for example, could cost more than thirty pesos.³⁷ Moreover, the courts occasionally ordered the offender to compensate the victim for the salary lost as a result of the injury.³⁸

By listing crosstabulations of the most commonly used court sentences with the biographical variables of male and female offenders, Tables 107-116 indicate the patterns in the punishment practices of the lower tribunals of Mexico City. They reveal what groups among the urban poor received what types of penal sanctions. Fines, for example, comprised 13.4 per cent of all sentences for men and only 8.3 per cent for women (Table 107). The disparity is attributable, not to the reluctance of forcing women to pay monetary penalties, but to the excessively high percentage of men charged with gambling and debt.³⁹ In aggravated assaults and thefts, women proportionately paid more fines than men, and in tavern violations, the relative percentage of men paying fines barely exceeded that of women.⁴⁰ Table 114 shows no significant difference between low

skilled laborers and artisans, although monetary penalties constituted a larger percentage of the sentences imposed on merchants, clerks, and supervisory personnel. A 1555 law forbade the colonial courts to levy fines against Indians.⁴¹ Tables 115 and 116, however, underline the disregard for royal wishes since Indians were fined, albeit on a reduced rate. Spaniards of both sexes paid fines in greater proportion than the other races, especially Indians. This sentencing practice was standard in all crimes save tavern violations in which 66.7 per cent of the mulattoes as compared to 65.9 per cent of the Spaniards paid judicial fines.

Monetary penalties imposed a burden on most criminal offenders. Whereas fines for gambling and tavern violations represented one or two week's salary for manual laborers, the costs in cases involving victim compensation could absorb up to one year's salary. With limited cash reserves, the majority of offenders were unable to pay the court immediately, and consequently the magistrates relied on other means for repayment. The most common was for the offender to procure a bondsman (fiador) who guaranteed payment to the court or creditor. Generally, the prisoner agreed to pay a specified amount weekly, two reales for example, until satisfying the debt. Legally liable if the offender reneged on payment after release, the fiador insured that the offender complied with the court sentence. In most cases, a maestro or relative served as surety although professional jail bondsmen existed for those, such as recently arrived migrants, who had no personal contacts in the city.⁴²

In the absence of a fiador, the court made arrangements with the offender's employer who deducted weekly one or two reales from his wages. If he was unemployed, the court sometimes turned the offender over to the victim or creditor who, in turn, put him to work and withheld wages

until the debt was paid in full.⁴³ Moreover, the court, on rare occasions, confiscated the offender's property or placed him in a bakery or obraje and gradually deducted the debt from his salary.⁴⁴

Acquittal and probation combined represented the next most frequently used judgements in the lower tribunals. Acquittal in the present sense includes all offenders whom the courts released at various stages in the judicial process. As seen in Table 103, the two related sentences accounted for over one-half of all sentences in simple assaults, sex and family offenses, disorderly conduct, and curfew violations. In these crimes, the judges acted as guardians or arbitrators of justice rather than enforcers of the law. The low acquittal and probationary rates in aggravated assaults (7.9 per cent), debts, (4.6 per cent), and intoxication (6.2 per cent) indicate strong disapproval of these types of behavior.

The magistrates discharged offenders in various ways. In almost three-fifths of all acquittals, the offender merely received a tongue-lashing from the magistrate.⁴⁵ The courts also released prisoners if the complainant dropped charges, and in sex crimes and cases of desertion and nonsupport, the courts reunited the disobedient spouse with his or her mate.⁴⁶ Prisoners were occasionally released during the weekly jail visits conducted by two oidores, all the jueces mayores, the attorney of the Sala del Crimen, and court scribes. In addition to inspecting the living quarters and hearing complaints of mistreatment, the visiting officials were also obligated to correct any miscarriage of justice such as the arbitrary detention of prisoners for extended periods of time. On one visit, for example, the officials discharged a man who had been incarcerated for two months awaiting the conclusion of a routine character investigation into his drinking habits. The magistrate in charge of the case had obviously forgotten about the prisoner.⁴⁷

General pardons served as another method of acquitting criminal offenders. Although only a fraction were discharged in this manner, pardons released hundreds of prisoners at any one time. Viceroy's customarily issued pardons before Christmas in order to free persons apprehended for such minor crimes as simple assault, drunkenness, and mistreatment. For reasons unknown, Branciforte terminated this practice in 1794.⁴⁸

In commemoration of royal births and marriages, the crown issued pardons on five occasions between 1779 and 1803. Serious crimes such as lese majesty, treason, murder of a priest, counterfeiting, arson, fraud, blasphemy, sodomy, bribery, and resisting arrest were not pardonable offenses.⁴⁹ The courts released most offenders without delay, although murderers and armed robbers had their cases reviewed by a panel appointed by the viceroy. The board kept any offender in jail whom they regarded as a serious threat to society.⁵⁰ Royal pardons had both a positive and negative effect on the administration of justice in Mexico City. On the one hand, they ended for many a long stay in jail. In 1802, Matiana Santos, for example, murdered a drunken man in self-defense, but she languished in jail for almost one and one-half years without the court passing sentence. The panel ordered her release under the terms of the 1803 pardon.⁵¹ On the other hand, royal pardons set free many offenders who, for such crimes as homicide and rape, spent less time in prison than persons charged with mistreatment and petty theft.⁵² Pardons reduced the case load and emptied the overcrowded jails, but, in the opinion of the colonial authorities, they tended to undermine public order in the long run by releasing *léperos* and other hardened criminals.

The magistrates used probation as a substitute for acquittal. Lacking probation officers, the courts released the offender in the custody of a relative or employer who, for an unspecified length of time, supervised his or her future conduct. To insure abstention from criminal behavior, the courts occasionally required regular church attendance and frequent communion.⁵³ Deterrence, not retribution, was the purpose of this sentence. As seen in Table 107, the courts imposed probation almost five times more often on women than on men. The women tended to be single and under thirty years of age (Tables 109 and 111). The magistrates believed that guidance of behavior, not strict punishment, was the proper sentence for many women, especially those arrested for sex crimes. Male offenders required more forceful punishment, and consequently the courts placed them on probation only on occasion, usually when they were single and under twenty (Tables 108 and 110). Employers, *maestros* for example, generally served as probation officers for male offenders, thus indicating the importance the authorities placed on work. Like the family, the relationship between employer and employee acted as a stabilizing force in the social order.⁵⁴

As a result of a rapidly expanding municipal public works program in the late colonial period, forced community labor became an increasingly relied upon form of punishment. Viceregal and municipal authorities recognized the potential of utilizing the mass of human labor in Mexico City, much of it underemployed, for the city's improvement. Comprising one-third of all sentences for male offenders, the public works sentence was the most frequently used judicial penalty for men in all age and marital groups (Tables 107, 108, and 110). Table 114 shows that low skilled workers were sentenced to perform forced labor slightly more

often than artisans, but that the courts seldom sent merchants and educated personnel to the work projects. As seen in Table 115, men from all racial groups received this penalty, although Spaniards (17.2 per cent) much less so than Indians (43.8 per cent), mestizos (36.9 per cent), and mulattoes (39.4 per cent). More Spaniards paid fines than labored on the municipal improvement programs.

After a prolonged lack of activity in municipal improvements, Viceroy Croix in the mid-1760's launched the first extensive public works program of the eighteenth century.⁵⁵ Many streets were paved, conduits for the water supply system were constructed, and garbage in the streets and canals was routinely collected. Croix saw convict labor as a way to reduce the massive expenditures needed to fund the projects. The Viceroy called for the greater use of forced labor as a formal sentence and for the elimination of the heinous practice adopted by the Sala del Crimen of selling prisoners to obrajes, bakeries, and pork butcher shops for fees ranging from fifty to 180 pesos. He preferred that the Sala use these reos de collera to help clean the capital.⁵⁶ To this end, Croix established in 1769 a special jail to house up to 160 "idle and vagabond persons" sentenced by the Sala and municipal tribunals to perform forced labor. Not only would this Presidio de San Carlos provide the needed labor for the municipal projects, but, as punishment, it would enable the offenders to "recover . . . the dissipated customs that were suffocated in the heat of their vices, and their disorders."⁵⁷

Croix's immediate successors did not emphasize the use of forced labor, and by 1773, Viceroy Bucareli closed the presidio.⁵⁸ Despite a 1779 royal order urging the application of public works sentences as corrective measures, incarceration, fines, and corporal punishment remained the most frequently used punishment for male offenders.⁵⁹

Concerned over municipal improvements, Revillagigedo in the early 1790's embarked upon a massive public works program in Mexico City and, in the process, established a solid foundation for the exploitation of penal labor on a large scale.⁶⁰ Impressed with the road construction projects started by Viceroy Gálvez during the 1785-86 corn shortages, Revillagigedo realized that public works programs provided needed employment for the "multitude of Poor Day laborers" who lacked the means to feed their families.⁶¹ The Viceroy concentrated on four projects, all of which involved unskilled tasks. With the recognition of the connection between epidemic disease and sanitation, the removal of garbage, human waste, and dead animals from the streets, plazas, and canals received top priority.⁶² Street paving, although originating with Croix and promoted by Gálvez, proceeded on an unprecedented scale as did reparations of the aqueducts and major causeways.⁶³

Chronic lack of proper funding plagued the public works programs. The pulque tax raised insufficient revenue to support all four projects.⁶⁴ Labor costs on street cleaning and paving alone amounted to 12,890 pesos annually, and, by the end of 1793, the public works fund registered a 238,000 peso deficit.⁶⁵ Revillagigedo's plan in 1790 to raise the needed money through an auxiliary lottery failed because of public indifference.⁶⁶ Instead of increasing revenues, the Viceroy decided to cut costs, as did Croix, by utilizing convict labor. In contrast to England where vagrancy statutes provided the State with an abundance of cheap labor, laws against public intoxication supplied the city authorities with the vast majority of forzados (forced laborers).⁶⁷ As Table 104 shows, the courts assigned 88.6 per cent of all public works sentences to persons arrested for drunkenness. Petty thieves supplied less than three per cent

of the convict labor force. Throughout most of the eighteenth century, the law specified corporal punishment for all drunkards, although by late 1791, at Revillagigedo's instigation, the municipal magistrates began imposing public works sentences instead.⁶⁸ In a 1796 viceregal decree, Branciforte legalized the new punishment by prescribing with some exceptions one week of forced labor for all first time male offenders.⁶⁹ With the need for more convict labor, the magistrates continued to send increasing numbers of offenders to the city improvement projects. Whereas the courts in 1796 sentenced 76.1 per cent of all men arrested for intoxication to the public works, they sent 83.5 per cent two years later.

By the mid-1790's, between 100 and 125 prisoners labored daily on the municipal work projects.⁷⁰ Composed of convicts sentenced by the municipal courts as well as the Sala del Crimen, Acordada, and Indian tribunals, the labor gangs enabled the improvements programs started by Revillagigedo to continue unabated. Convicts accounted for one-quarter of all street cleaners, and they outnumbered free wage earners on the street paving crews by almost six to one.⁷¹ The emphasis in the 1790's on public works as punishment led to the reestablishment around 1802 of a presidio de corrección for offenders sentenced to the works projects.⁷² This Presidio de Santiago functioned as a detention center for a semi-permanent convict labor force which the State utilized to clean and pave streets, construct and repair public buildings, and even plant and harvest the corn crop in fields surrounding Mexico City.⁷³ Although Viceroy Iturrigaray received complaints regarding the ineffectiveness of the public works sentence in stemming the growing rate of intoxication, the magistrates continued its use as the most frequently imposed penalty in

informal cases involving men.⁷⁴ The economic considerations of the sentence far outweighed its acknowledged inability to deter the urban poor from drinking to excess.⁷⁵

Greater use of public work sentences in accordance with royal and viceregal wishes lessened reliance on corporal punishment in the late colonial period. Frequency of corporal punishment dropped from 8.3 per cent of all sentences in 1795 and 1796 to only 0.2 per cent in 1807 (Table 117). A more dramatic decrease is seen in the use of flogging on Indian women. Whereas corporal punishment accounted for almost one-third of all their sentences in 1795-96, no Indian women felt the lash in 1807. As a result of the downward trend, corporal punishment constituted less than four per cent of all judicial sentences handed down in informal cases between 1795 and 1807. As illustrated in Table 103, it never represented the principal sentence in any one criminal offense, although it was more frequently used in cases of simple assault (17.8 per cent of all sentences), sex offenses (11.1 per cent), theft (10.8 per cent), and disorderly conduct (7.5 per cent). Moreover, the courts occasionally gave sixteen or twenty-five lashes in addition to a public works or jail sentence.⁷⁶ The courts no longer administered the whippings in public as prison officials executed the sentence in the city jail.⁷⁷

Corporal punishment was inflicted more frequently on female than on male offenders. It constituted 10.1 per cent of all sentences given to women as compared to only 2.2 per cent of the male sentences. Men who received such punishment were generally single and under twenty. While no major discrepancy existed in the use of corporal punishment on low skilled workers and artisans, the courts did not flog one merchant or

educated worker (Tables 107, 108, 110, and 114). The magistrates inflicted lashes on women of all ages, and especially on those who were married and widowed. Racial background did not grant immunity from corporal punishment. In most cases, Indians were whipped with greater frequency, although royal law forbade the application of corporal punishment to the natives.⁷⁸ Ignoring the legal penalties listed in most laws, the courts flogged Spaniards of both sexes, although on a reduced scale (Tables 109, 111, 115, and 116).⁷⁹

Corporal punishment had a long history in the colonial judicial system. It served as the principal legal sentence from the sixteenth century to the 1790's.⁸⁰ With a growing emphasis on hard labor as a corrective measure, Viceroy Revillagigedo, Branciforte, and Marquina called for the elimination of corporal punishment for most crimes, especially intoxication.⁸¹ Royal legislation also encouraged the discontinuance of flogging. In accordance with a 1797 cédula, the Sala del Crimen had to approve all sentences of corporal punishment (corporis afflictivas) passed by all colonial tribunals.⁸² As seen in Table 117, the new procedure, combined with the increased number of public works sentences, virtually eliminated corporal punishment as a viable judicial sentence. The Sala's preoccupation with more serious matters retarded the review procedure to such an extent that Viceroy Venegas in 1811 grudgingly renounced all intentions of ever flogging another criminal.⁸³ Iturrigaray was also disturbed over the trend. In 1808, he ordered the Sala to investigate the possibility of reinstating corporal punishment for most crimes since, of all corrective penalties, it best corresponded to the "customs and character" of the lower classes.⁸⁴

Despite these complaints, the mood of the period went against corporal punishment. Branciforte regarded it as "cruel," and Venegas, before his change of mind, considered it "inhuman." The latter in 1810 substituted a jail sentence for flogging in the existing sanitation laws.⁸⁵ The movement against corporal punishment culminated in 1813 when the Spanish Cortes (parliament) prohibited its use on creoles and peninsulares in the Indies.⁸⁶ The law was unnecessary. By the time Viceroy Calleja published the decree in Mexico the following year, the courts were rarely inflicting corporal punishment on any offender regardless of race.⁸⁷

Incarceration in the city jail was another infrequently used sentence the magistrates imposed in informal hearings.⁸⁸ Particularly for male offenders, prisons in late colonial Mexico were largely places of confinement. In the words of a contemporary, they "serve to keep in custody (the person) who is, or who is assumed to be a criminal until his case is substantiated." They are not institutions "to which criminals are sent to clean themselves of their crimes after sentence has been passed."⁸⁹ The city jail was also a detention center for debtors and for persons charged with aggravated assault. In the absence of municipal presidios, the jail provided lodgings for the forced labor convicts.

The magistrates occasionally used incarceration as a form of punishment, especially, as Table 103 shows, in cases of intoxication (23.1 per cent of all sentences), rape (10.0 per cent), disorderly conduct (8.0 per cent), simple assault (6.8 per cent), and sex offenses (6.7 per cent). Female offenders were much more likely to be confined to jail (Table 107). Whereas imprisonment represented almost thirty per cent

of all sentences given to women, it accounted for less than four per cent of the sentences for men. Tables 109, 111, and 116 portray the types of women sent to the city jail. The courts seldom incarcerated women under twenty, but for women between twenty and forty-nine, imprisonment constituted the most frequently imposed sentence by the lower courts. Consequently, the percentage of married women and widows in jail was considerably higher than that of single women. Moreover, Indian women were confined to jail with greater regularity. Approximately one-third of all men receiving prison sentences spent part of their time in solitary confinement, generally for three days of a one week sentence (Table 107). Imposed solely on men charged with public intoxication, the jail-solitary sentence was proportionately given more often to older, widowed Spanish workers from the more prestigious crafts and trades, such as silversmiths, petty merchants, and surgeons (Tables 103, 108, 110, 114, and 115).

Imprisonment, whether for detention, punishment, or lodging, was a financial burden for most inmates. Jail fees supplied the bulk of revenue for the upkeep of the prison. In addition to court costs, some of which exceeded eighty pesos in formal cases, non-Indian prisoners paid a standard one peso jail fee (carcelage).⁹⁰ All inmates gave six reales to the jail scribe who recorded their entry and departure in the prison register. Indians arrested for drunkenness were exempt from this fee.⁹¹ The forzados paid an additional five and one-half reales, and offenders sentenced to be flogged gave ten reales to the executioner of the punishment and his assistants.⁹² The low wages of the prison personnel, including the warden, resulted in widespread abuse in the collection of jail fees. Employees illegally detained prisoners for nonpayment and

exacted more than the stipulated amount either by charging higher fees or by confiscating and then selling any goods or clothing the inmates had on their person. Bribes insured better services for the inmate such as receiving larger food portions or having his or her spouse or lover sleep overnight.⁹³

The inability to continue work and the separation of mothers from their children were major hardships for most prisoners. A handful of trusted inmates (reos de confianza) earned one or two reales daily by performing miscellaneous duties in the jail. Two worked as boqueteros who oversaw the introduction of food and messages into the prison. Another three served as presidentes or supervisors of the cell blocks who patrolled the jail at night with another convict employee (galero) to prevent such disorders as gambling and drinking.⁹⁴ Most of the remaining one hundred odd prisoners had no source of income during their jail term.⁹⁵ The magistrates received numerous requests for freedom from prisoners and their families. The wife of Francisco Guerrero pleaded for his release, stating that she alone was unable to support their large family and that only with the help of Francisco could they earn enough money to survive. Marfa Dolores Rufz begged the corregidor to release her since she had not seen her three year old daughter in two months. She worried that her neighbors were not taking proper care of the child.⁹⁶

All inmates, save those assigned to the public works projects, worked "in the service of the jail." While men washed floors and patios, fetched water, and removed garbage, women ground corn to make tortillas and atole. According to the deputy warden, however, Spaniards received the least exacting chores.⁹⁷ Prisoners with additional money lived in comparative comfort. By paying a one and one-half real fee called the

patente, an inmate exempted himself or herself from performing work duties. Moreover, the magistrates imprisoned several offenders yearly, particularly merchants, who served their sentences "with distinction." For a fee of one and one-half pesos, these prisoners lived apart from the common rooms of the other inmates, away from rats, insects, and excrement. Their private rooms (salas de distincción) were well-lit, and they could cook their own food on the premises. Generally, indigent prisoners volunteered to serve them in return for food, cigarettes, or one-half real. For their safety, guardafaroleros arrested for any offense were confined to the private cells for a one peso fee. Prison officials realized that these policemen needed protection from some of the men they had sent to jail. Prisoners willing to spend even more money could live in the warden's quarters, if they paid his prearranged fee.⁹⁸

Two closely related penal institutions for women, casas de honra and depósitos, performed functions similar to those fulfilled by probation and incarceration. Unlike the recogimientos, they represented private means to supervise and control the conduct of the female prisoner, particularly those charged with a sexual offense or common-law marriage (Tables 103 and 104). Although confinement to casas de honra and depósitos accounted for only seven per cent of all sentences given to women, the colonial authorities heartily endorsed the institutions since they did not cost the crown or city government anything to maintain (Table 107).

Casas de honra were private homes of honorable creole citizens of Mexico City such as middle level police officials, merchants, and especially master artisans. The courts approved all households to determine

whether all persons were Spanish.⁹⁹ From their inception in the sixteenth century, the *casas*' main purpose was to modify the sexual conduct of the female delinquent through exemplary behavior.¹⁰⁰ The family provided proper instruction in moral conduct. The courts also required prayer and communion, and the women could leave the premises only with the permission of the head of household. Although related to probation in their aims, the *casas de honra* represented a more formal and impersonal method of protective custody. Supervision of conduct was more stringent and less tolerant of deviations. The court of the ranking *alcalde ordinario*, for example, placed María Loreto Hurtado in a private household since her relatives did nothing to prevent her from maintaining an informal marriage. The magistrates thought her family was incapable of providing the necessary supervision.¹⁰¹

In return for guidance, the woman cleaned and prepared food for the family. Inexpensive maid service was the apparent reason why many master artisans volunteered to care for female criminals in their homes. Confinement to a *casa de honra* imposed lesser burden on the woman than imprisonment. Not only could she earn money by washing and sewing clothes in her spare time, but she could also leave the house whenever necessary to visit or care for parents and children. The main drawback was that the magistrates did not specify a maximum time limit for confinement, maintaining that the woman remain under supervision as long as necessary to reform her deviant behavior.¹⁰²

The emphasis in the *depósitos* was more on punishment than rehabilitation. The courts sent the offenders to *bodegones* (warehouses), *atolerías*, laundries, or hospitals where the women performed forced labor under the watchful eye of a foreman.¹⁰³ The Bodegón de la Chacona

was the largest depósito in operation in the late colonial period. During their stay of generally no more than several days, the women rose at midnight or 2 A.M. to grind corn until a 5 A.M. rest period. Three hours later they ate atole and three tortillas, and after nine more hours of work, they consumed a cup of broth and another three tortillas. The proprietor of the establishment, a woman popularly called La Chacona, never provided religious or moral instruction but merely worked the inmates as hard as possible. Although they received no salary, the depositadas still paid for their food and lodgings.¹⁰⁴

Casas de honra and depósitos also served as detention centers for women whose cases were still under investigation. Moreover, the courts sent the majority of women charged with common-law marriage to these private penal institutions while the man made necessary pre-wedding arrangements. This procedure took the woman out of the overcrowded jail as well as removed her from the influence of her future husband. In such cases, confinement generally lasted one or two months.¹⁰⁵

Tables 109, 111, 113, and 116 indicate the types of women sent to the casas de honra and depósitos. The women tended to be under thirty, although reflecting the reform-minded nature of the casas, women under twenty predominated in the households. As an indicator of the types of crimes with which they were charged, the courts imposed private confinement much more frequently on widows and particularly single women. The high percentage of migrant women sentenced to the casas de honra illustrates the large number of women who left the provinces and formed common-law marriages or became prostitutes in Mexico City. The judges did not sentence Indian women to these institutions as frequently as women from other racial groups. The courts were more likely to impose other

corrective measures, such as imprisonment or corporal punishment, on the native women.

Used substantially less than *casas de honra* and *depósitos* as a form of punishment, assignment to a master artisan or a closed trade (*obraje* and bakery) performed similar functions in cases involving male offenders. All emphasized work under the supervision of an employer or foreman. Overall, the work sentences accounted for slightly more than one per cent of all sentences of male prisoners, but in vagrancy cases, they represented the principal form of punishment (Tables 103, 104, and 107). As seen in Tables 108, 110, 114, and 115, men sentenced to work in an artisan workshop or closed trade were generally under twenty, single, and low skilled, particularly without any practicing trade (*sin oficio*). Orphans, some as young as ten years, received a disproportionate share of work sentences.¹⁰⁶ Indians were seldom sent to a *maestro* or closed trade. Whereas such punishments accounted for 2.5, 2.0, and 1.2 per cent of all sentences for mulattoes, mestizos, and Spaniards respectively, they represented only 0.6 per cent of all sentences given to Indians.

Confinement to all types of closed trades was illegal in the late colonial period. Viceroy Croix in 1767, Mayorga in 1781, and Iturrigaray in 1805 prohibited the use of convict labor in the *obrajes*, but to no avail.¹⁰⁷ A debt labor force supplemented the *forzados* the lower tribunals sentenced to the bakeries and, until the last third of the eighteenth century, to the *tocinerías* (pork butcher shops) as well.¹⁰⁸ According to Iturrigaray, the proprietors of the *panaderías* enchained some of their workers for not repaying advanced loans on their subsistence wages.¹⁰⁹ The magistrates helped to maintain discipline in the bakeries

by automatically returning all escaped workers to their employers.¹¹⁰ Furthermore, if any baker, whether free wage earner or forced laborer, committed a crime that called for corporal punishment, the court administered the flogging in front of all the workers in the bakery.¹¹¹

The magistrates relied more on sentencing the youthful offenders to master artisans than to closed trades. As seen in Table 107, 0.9 per cent went to a guild but only 0.2 per cent to an obraje or bakery. The colonial authorities believed that vagrancy could be prevented only by teaching young men useful skills in order to eliminate crime and begging as a means of support. In the hope that the boys would remain working on a job of their preference, the courts allowed them to select their own trades. As guardian, the master artisan carefully supervised the boy's behavior, thus insuring a complete rejection of delinquent behavior.¹¹²

As in the depósitos, punishment was the prime consideration when sentencing an offender to a closed trade. The magistrates sent the most incorrigible boys, like José Antonio Ortega, to the obras and panaderías. Arrested for stealing from his employer, Ortega, a fourteen year old Indian, was confined to an obraje because his "habits . . . were the very worst." The forced acquisition of a job skill was insufficient punishment to correct his behavior. Prison-like discipline was what he needed.¹¹³

In addition to castigating the criminal offender, obras and panaderías served other unsanctioned purposes. Magistrates occasionally sent men convicted of theft and debt to closed trades in order to deduct the value of the stolen merchandise or loan from their meager earnings. Such sentences caused extreme hardships on some men. Ordered to indemnify stolen property worth 300 pesos, José Victoriano Roa faced life

imprisonment in an obraje, barring any unforeseen circumstances.¹¹⁴ Magistrates periodically sent prisoners to obras for the purpose of deducting jail and court costs from their wages. The courts ignored the illegality of detaining inmates for nonpayment of fees.¹¹⁵ Alcaldes de barrio used the closed workshops as a means of extracting bribes from innocent persons and from men charged with minor crimes. After arresting men for such offenses as vagrancy and common-law marriage, the police placed them in bakeries until they paid a two or three peso bribe for their release. A two week confinement was common.¹¹⁶

Overall, convicts accounted for a fraction of all the laborers in the closed trades. Out of 4,999 sentences listed in the Libros de Reos, only fourteen involve working in obras or panaderías. Obraje proprietors relied on other methods to procure a more permanent cheap labor force. For example, they paid five pesos to anyone who brought twelve and thirteen year old boys to work as apprentices. Even an alcalde de barrio collected the money on the vagrant juveniles he turned over to the textile workshops.¹¹⁷ The colonial authorities tolerated the abuses which resulted from using the closed trades as penal institutions. In addition to the guilds, obras and panaderías performed important functions in the criminal judicial system, and, like the casas de honra and depósitos, they represented forms of punishment which cost the State nothing to administer.

Established in 1774 by Viceroy Bucareli, the Hospicio de Pobres was planned as a charitable institution for the increasing numbers of indigents, beggars, orphans, and cripples. Generally, almost three-quarters of the inmates were healthy with the remainder handicapped or ill.¹¹⁸ The expressed dual goals of the hospicio were to reform the customs of

the inmates while providing them with the bare necessities of life. The poorhouse officials furnished food, clothing, and shelter, but modification of behavior depended on dedication to work. Men learned a useful trade such as carpentry, and women performed numerous tasks including spinning wool and cotton and knitting socks.¹¹⁹

The magistrates, however, regarded the hospicio more as a casa de corrección than a casa de caridad.¹²⁰ As seen in Tables 103 and 104, the lower courts forwarded offenders charged with intoxication, common-law marriage, curfew violation, and vagrancy. Confinement to the poorhouse was not a frequently imposed judicial sentence. In 1798, for example, the courts sent less than one out of every 100 criminal offenders to the hospicio (Table 105). Nevertheless, court-ordered confinements generally accounted for at least two-fifths of the inmate population. The remainder entered voluntarily.¹²¹ Charles III in 1784 and 1788 and Viceroy Branciforte in 1798 restated the charitable purposes of the poorhouse and prohibited its use as a house of correction. They realized that the improperly funded hospicio was unable to care for convicts in addition to indigents and that the criminals lodged in the institution corrupted the behavior of the honest poor.¹²²

Tables 108-116 indicate the types of offenders the lower courts sentenced to the hospicio. Most were older, but unmarried. Inventories of the poorhouse in 1793 and 1803 confirm this pattern. Single persons comprised between fifty-two and fifty-four per cent of all inmates, and persons over twenty-nine were overrepresented in proportion to their composition in the city's population.¹²³ Moreover, Indian men and women were infrequently sent to the hospicio as a corrective measure, and workers in low skilled trades accounted for the majority of men

confined to the institution. Reliance on the Hospicio de Pobres as a form of judicial punishment undermined its effectiveness. In a city populated by thousands of ill-fed, ill-clothed, and ill-housed residents, the poorhouse had to direct all its meager resources into helping those truly in need if it was to have any impact on the lives of the urban poor.

Court-ordered marriages in cases of common-law marital unions comprised less than four per cent of the sentences passed in the lower tribunals in 1798 (Table 105). The judges occasionally did not require the couple to marry if one partner refused, but in most instances, the court forced the couple to wed formally in a church ceremony as long as neither partner was already married.¹²⁴ Although the concept of illegitimacy was not foremost in the value system of the urban poor, the lower courts insisted that the couple marry in order to legitimize present and subsequent children. According to Hispanic law, a child born out of wedlock is legitimized as soon as the parents marry before a priest. On the contrary, children born of an adulterous or incestuous relationship are always considered bastards.¹²⁵ The case in which the ranking *alcalde de ordinario* ordered a Spanish woman to marry the black slave with whom she had been living illustrates the importance the courts attached to legally constituted families.¹²⁶ Not that the magistrates promoted racial intermarriage, but it was never an obstacle in the sentencing of common-law offenders.

Although court-ordered, the marriages were always preceded by the customary marital arrangements (*diligencias matrimoniales*). The judge dispatched the woman to either a *casa de honra* or *depósito* while he released the man to complete the necessary preparations. To insure compliance with the sentence, the male secured a *fiador*, often a relative

or employer, before his release from jail. If the court doubted his integrity, the municipal attorney (procurador) performed the required tasks. Parental approval was obligatory if the offenders were legal minors. Moreover, the parish priest recorded all pertinent data such as age, race, family background, and birthplace. Witnesses had to verify the information for the marriage to take place. After instruction in Christian marital obligations and church announcement of the impending ceremony, the couple finally married in the church. On rare occasions, the authorities held the ceremony in the jail for fear that the man would have fled the city if released before the marriage.¹²⁷

Two infrequently used sentences, exile and transmittal to military authorities, constitute the remaining major forms of judicial sentences. The lower courts cooperated fully with the military tribunals by immediately forwarding all offenders who proved their status as soldiers. Magistrates often investigated the prisoner's background to verify his military standing since civilians sometimes claimed *fuero militar* as a means to avoid punishment. Banishment from Mexico City was a possible solution to restrict the flow of migrants into the capital, but the courts lacked the means to insure compliance with the sentence. In some cases, the magistrates placed the offender under the supervision of a resident of the same municipality. More often, the courts entrusted the subdelegado of the provincial district to "keep him in sight and not to permit him to return to this capital." Given the extensive duties and the size of the jurisdiction, the subdelegate had more pressing business to conduct.¹²⁸ Nevertheless, in certain crimes, particularly common-law marriage, family and sex offenses, curfew violations, disorderly conduct, and theft, exile represented one approach to punishment

(Tables 103 and 104). As a result of the higher degree of female participation in most of these crimes, banishment from the capital was much more common for women, especially young single women (Tables 107, 109, 111, and 115).

The magistrates of late colonial Mexico City did not administer justice evenhandedly to all prisoners. Discriminatory practices were clearly evident in the sentences passed by the lower courts. The variations largely depended upon two factors: the request of the complainant and the status of the offender. The judges occasionally tailored the judicial penalties to comply with the wishes of the complainant, particularly in violent crimes, sex and family offenses, and vagrancy. Jail and public works terms and flogging comprised the most commonly requested punishments.¹²⁹

Equality before the law was an alien concept in the administration of colonial criminal justice. Reflective of a hierarchical social order, differential treatment of prisoners was inherent in the law. Most laws required the imposition of sentences in accordance with the sex, race, and occupation of the criminal. Even in crimes for which the laws did not specify the punishment, the courts still sentenced the offenders with regard to their status. The sex of the prisoner significantly influenced the type of punishment the offender received. The patterns of court sentences depicted in Table 107 and all subsequent tables remain constant regardless of the criminal offense. Except in sex offenses, women were released in greater proportion than men, more went to jail, and more were flogged. The courts exclusively used public works and jail-solitary terms as sentences for men. An indicator of the courts' attitude toward male crime is the greater reliance the magistrates placed on formal criminal cases as a method of castigating the male offender.

Racial factors also affected the sentencing practices of the lower tribunals. Court policies generally mirror attitudes formed in the larger society, and in late colonial Mexico City, poor and rich alike held the Indians and castas, especially the black races, in much contempt. According to one *alcalde del crimen* in 1785, Negroes:

are born of bad blood and (have) a dreadful upbringing . . . it is known that they possess a presumptuous, unruly and arrogant temperment, and, in addition to their lack of respect, they exhibit a terrible temper, as the coachmen and servants show at every possible moment.¹³⁰

Even though the elite looked down upon the lower classes as a whole, they considered the poor Spaniards to form the upper strata of the "plebians."¹³¹ Among the poor, the term *güerito* respectfully referred to a poor Spaniard, and the erroneous application of mulatto or Indian to a mestizo or Spaniard provoked fights in the streets and taverns and led to the formation of slander cases in court.¹³²

As seen in Tables 115 and 116, the magistrates clearly favored Spanish males. A higher percentage of Spaniards were released, placed on probation, sent to jail-solitary, and fined. The use of corporal punishment and forced labor was much more common for Indian offenders. Sentences to mestizos and mulattoes represent a middle position: frequent use of public works but higher rates of acquittal, jail-solitary, and fines. These patterns are most evident in the sentences given for public intoxication (Table 118). The courts released and put on probation almost ten per cent of all Spaniards but only 6.0 per cent of the mestizos, 4.6 per cent of the Indians, and 4.4 per cent of the mulattoes. Public works terms constituted between 84.4 per cent and 90.3 per cent of all sentences given to Indians and castas but only 53.3 per cent of

the sentences to Spaniards. And when Spaniards received public work sentences, the courts generally assigned them to the least demeaning and arduous tasks, such as sweeping the streets and cleaning the plazas. Almost two-thirds of all Indian forzados, however, spent their term on the strenuous street paving and road repair projects. Less than one-fifth of all Spaniards performed similar tasks.¹³³ Imprisonment and solitary confinement for creoles and peninsulares arrested for intoxication accounted for one-third of all their sentences whereas the courts seldom sent Indians, mestizos, and mulattoes to jail for drunkenness.

The Spanish female prisoner was not as favored as male Spaniards, although the courts fined both in greater proportions and flogged them in lesser proportions than prisoners of other racial backgrounds. The Hispanic origin of a woman offender did not guarantee high acquittal rates. In fact, fewer Spaniards were released or placed on probation than mulattas. In general, Indian women suffered the most at the hands of the lower courts. Fewer were acquitted or confined to a casa de honra, and more received corporal punishment and were imprisoned.

Spaniards, in general, performed less forced labor and received less physical punishment. Yet this predisposition toward Spaniards of both sexes was not to their advantage in the formation of criminal cases. The lower courts formed a greater percentage of the lengthy trials against the socially superior Spaniards. Circumstances of the crime, not race, were the determining factor in such decisions.

Occupation of the male prisoner acted as another, albeit less important factor influencing court sentences. As seen in Table 114, no significant disparities existed in the sentences given to low and high skilled workers, although the magistrates tended to release and fine

artisans more frequently and sentence them to the public works projects less frequently. These distinctions, however, were the result of racial, and not occupational variables. Regardless of occupational level, a higher percentage of Spaniards were acquitted and a lower percentage were sent to the city improvement projects. By listing sentences for low skilled workers and artisans in cases of intoxication, Tables 119 and 120 demonstrate this point. The magistrates released low skilled Spanish workers more often than Indian, mestizo, and mulatto skilled laborers. Despite the need for *forzados*, Spaniards of both occupational levels received preferential treatment in the imposition of public works sentences. The courts sent only 60.3 per cent of the low skilled Spanish laborers to the city projects while they ordered between 87.3 and 91.9 per cent of the artisans from other racial groups to perform forced community labor. The pattern of sending more Indian and mestizo artisans to the work projects than Indian and mestizo low skilled laborers underlines the insignificant role occupation played in the sentencing of manual workers.

In terms of punishment, the magistrates treated the mass of artisans and low skilled laborers as a homogeneous group, but they handled merchants and educated workers with more deference. The courts released them in higher percentages than manual laborers (Table 114). Fines represented the most frequently used sentence, followed by jail and solitary. Not one merchant or educated worker ever received corporal punishment, and relatively few performed forced labor in the city improvement projects. As a result of a high arrest rate in gambling, the courts formed a proportionately greater number of criminal cases against them. The occupation of the prisoner was a determining factor in the sentencing practices

of the lower tribunals, but only in cases involving the socially and economically superior merchants, clerks, surgeons, and supervisory personnel.

According to viceregal and municipal authorities, the lower courts of Mexico City minimized the severity of many sentences since the poor often committed the crime while under the influence of alcohol. The pulquería committee formed in the 1780's complained that the magistrates rarely gave "full punishment" to persons charged with homicide and aggravated assault because the offenders alleged drunkenness.¹³⁴ In fact, Hispanic law prevented the courts from applying the death penalty to murderers who committed the act while intoxicated.¹³⁵

The assertion of drunkenness is comparable to the twentieth century practice of pleading insanity. Contemporaries believed that since excessive drinking "possessed" a person and made him or her act irrationally, the offender, therefore, was not responsible for the criminal behavior.¹³⁶ The Consulado openly criticized the practice of reducing sentences in drink-related offenses since "almost all (criminals) excuse their crime with the much used demurrer of being out of their senses when they committed it."¹³⁷ Analysis of all informal and formal court cases in which the offender used drunkenness as an excuse reveals that not once did the courts modify the sentence because of the offender's alleged inebriated state. The following two cases are representative. José Peña stole a horse because "he was not thinking properly since he was drunk." José Manuel Mequeño "says that because he was intoxicated, he does not remember (sending his victim to the hospital)." In the first case, the magistrate sentenced the offender to two weeks of forced municipal labor, and, in the second, he formed a criminal case.¹³⁸

Despite the sexual, racial, and occupational biases of the judicial sentences, court procedures were remarkably fair and equitable. The formal notion of due process, so vital in eighteenth century Anglo-American law, was absent in the colonial Mexican system of criminal justice. Especially in *causas criminales*, the magistrates assumed the guilt of the offender even before legal proceedings commenced. In informal cases, however, the lower tribunals generally respected the defendant's rights, and the magistrates conducted the hearings in accordance with the rule of evidence. Assisted by court clerks, legal advisors, and *alcaldes de barrio*, the judges took all the necessary measures to insure an impartial hearing. Not that the magistrates were committed to due process, but as representatives of royal will, they fulfilled their traditional Hispanic duties of dispensing justice with much "prudence and precaution in order to effect punishment and avoid grievances and unjust mistreatment."¹³⁹

The courts did not employ mental or physical torture as a means of extracting confessions or statements. One day of solitary confinement was the customary method of forcing recalcitrant prisoners to talk. The magistrates placed men in cells designed to isolate them from the rest of the jail population. No such facilities existed for women prisoners. The courts usually locked them in the prison chapel.¹⁴⁰ On rare occasions, the judges specified confinement in a *casa de honra* as a substitute for solitary.¹⁴¹

If any doubt arose over the offender's culpability or lifestyle, the court, before passing sentence, ordered an investigation to uncover all pertinent facts. As seen in Table 121, investigations occurred in slightly more than one out of ten cases, although for certain crimes,

such as aggravated assault, rape, theft, gambling, tavern violations, sex and family offenses, and vagrancy, they were more common. The purpose of character investigations (averiguación de vida y costumbres) was to determine if the offender maintained a criminal lifestyle, whether by stealing, gambling, lingering in taverns, or engaging in explicit sexual activities. The typical character investigation checked the offender's marital and job status. If employed and supporting dependents, the court released the prisoner upon completing the five or six day inquiry. Time spent in jail counted as the punishment.¹⁴² Medical examinations were most common in offenses of aggravated assault since the severity of the wound and condition of the victim determined formal or informal prosecution of the case. Race was not a factor in the ordering of court investigations nor did it prohibit the taking of testimony from character or eye witnesses. Mulattoes and Indians testified against Spaniards with the courts regarding their statements as equal to those given by creoles and peninsulares.¹⁴³

In most instances, the courts carefully protected the rights of the defendant. Guilt had to be proven if the prisoner expressed innocence. Particularly in cases of rape, petty theft, and family disputes, the courts ordered the complainant or arresting officer to appear before the judge to substantiate the charges (Table 121). If the evidence was insufficient, the court immediately released the prisoner and absolved him or her of all court and jail fees.¹⁴⁴ Table 122 illustrates the emphasis the lower tribunals placed on proving criminal culpability. Acquittal rates for both Spanish and Indian men charged with petty theft varied considerably over the years, ranging between 18.2 and 54.5 per cent for Spaniards and between 20.9 and 77.8 per cent for Indians. The

most striking example of the concern for evidence is seen in the sentences given in the tribunals of the corregidor and the ranking *alcalde ordinario* in 1798, tribunals headed by the same magistrate. Instead of the expected regularity, the percentage of Spaniards and Indians released fluctuated considerably. Lack of proof, not racial background of the offender, was the determining factor. In both courts, the acquittal rate for Indians was higher than that for Spaniards.

The municipal judges also attempted to move informal cases through the judicial system as rapidly as possible. The crown in 1770 and the *Sala del Crimen* in 1772 issued orders concerning the speed with which the courts should prosecute all criminal cases. Aware of the relationship between swift justice and effective law enforcement, the *Sala* concluded that "brevity and promptness of punishment" is the "most effective means to enjoy the beneficial effects of the Laws."¹⁴⁵ Four years earlier the *Sala* had ordered the royal scribes to prepare weekly lists of the prisoners in the royal jail, their crimes and length of incarceration. Designed to facilitate the "dispatch and conclusion of the (criminal) cases," the procedure later became standard practice in the city jail.¹⁴⁶

In all crimes, the courts sentenced ninety per cent of the offenders within three days of the arrest (Table 123). Although the length of time varied according to the type of offense, at least one-half of the prisoners in all but one crime received punishment on the day following the arrest. The delay in dispatching cases involving family offenses and petty theft was due to the practice of waiting for the complainant to "formalize the charge" in court. Before passing sentence, the magistrates generally took into consideration any unaccountable delay. For

example, the court released María Velásquez after she had waited four days for her hearing, while José Ramírez received one-half of the customary one week public works sentence since the court had not heard his case until three days after his arrest.¹⁴⁷

Occasionally, executing the sentence involved additional time, especially when the magistrates forwarded the offender to an employer or relative or placed him or her in a casa de honra, depósito, or closed trade. The courts needed time, generally between three days and two weeks, to locate a casa de honra or maestro, and sometimes the relative, as a way of inflicting more punishment, took several weeks before claiming the offender.¹⁴⁸

The dispatch of informal cases was remarkable given the voluminous case load and the myriad of judicial and administrative duties the city magistrates performed. José Mariano Fagoaga, for example, as the Corregidor and ranking Alcalde Ordinario in 1798, settled hundreds of civil suits and formal criminal cases, sat on the Junta de Policía, headed the street lighting and market police forces, exercised jurisdiction over the neighboring villages of Popotla and Guadalupe, enforced municipal ordinances ranging from street cleaning to kite flying, and judged over 4,300 informal cases. The need for an informal system of justice is readily apparent. The magistrate even held court on Sundays to reduce the criminal case load. Despite the restrictions placed on the time he devoted solely to criminal matters, he dispatched the cases promptly and conducted investigations into those which called for additional information.

Table 124 indicates that the swiftness with which legal procedures were implemented varied according to the type of criminal offense. The

lower courts generally placed a three day limit on complainants to substantiate their charges. If the person did not appear within the specified time, the magistrate released the prisoner. In practice, however, most offenders remained in jail a week and sometimes as long as a month after the time limit expired.¹⁴⁹ The promptness of legal procedures in three crimes merits discussion. In cases of aggravated assault, the median time spent in jail waiting for the hospital to discharge the victim was slightly more than two weeks. Combined with fines for court and medical costs, a one-half month jail term represented a financial disaster for most offenders. Most persons charged with petty theft took approximately one week to reach agreement with the victim on the method of repayment. Although data in debt cases is insufficient to include in the table, it is apparent that debtors did not languish in jail for long periods of time. It was in the creditor's interest for the courts to release the debtor as quickly as possible. An imprisoned debtor cannot repay the loan. The magistrates usually ordered the creditor to arrange reparations within three days after he filed charges. In most instances, the two parties reached agreement within two weeks. If the creditor never appeared, the court released the prisoner seven to ten days after the first court appearance.¹⁵⁰

Procedures used in the formal system of justice differed considerably from those employed in informal hearings. For the court, the formal prosecution of a criminal case signified the prisoner's guilt, and consequently, the burden of proof fell upon the defendant. The major difference between the two judicial systems was the expedition of criminal cases. As seen in Table 125, the median time elapsing between arrest and sentence in formal cases was slightly less than two months, as

compared to the one day median time in informal hearings. The procedure in gambling, aggravated assault, and marital mistreatment generally took less time to complete while the number of months between arrest and sentence in common-law marriage (median: 2.5 months), theft (3.5 months), and homicide and rape (4.0 months) exceeded the median time. The lower courts set and adhered to a maximum two year limit in completing formal cases.¹⁵¹ Yet it is no surprise that many of the urban poor never pressed formal charges against family members because of the extended delays in the formal judicial system.¹⁵²

One reason for the slow prosecution of *causas criminales* was the prolonged period between arrest and taking the defendant's testimony. In one extreme case, guardafarolero José Antonio Santa Anna Trexo complained to the corregidor that he had yet to give his statement in the seven months since the police chief (guarda mayor) arrested him for assault. His jail stay, he concluded, placed a great financial burden on his wife and children.¹⁵³ Another delay often occurred between taking the statement and passing of sentence. Generally, the court took no further action after collecting testimony, and the criminal merely sat in jail either awaiting sentence or petitioning for his freedom. In theft and homicide cases, the delay could be as long as seven to eleven months.¹⁵⁴ The courts could proceed quickly when necessary, particularly in serious crimes when the judges wanted to make an example of the offender. In a complicated case involving expensive stolen church ornaments, the corregidor handled all investigations and took all pertinent testimonies within three weeks. After the Sala del Crimen reviewed the case, the prisoner received a one year term on the municipal works projects. The magistrates believed that by putting the offender in the

streets as soon as possible after the crime, the poor could readily see what happened to those who defied the law.¹⁵⁵

The lenient sentences given in formal cases can be best understood in the context of the extended prosecution of *causas criminales*. The judges considered a lengthy jail term as sufficient punishment for most offenses. According to one magistrate, "the time (the criminal) has suffered in prison . . . serves as . . . penalty for his crime."¹⁵⁶ As seen in a sample of 119 cases prosecuted between 1785 and 1806, the lower courts released almost two out of five prisoners at the conclusion of the case (Table 126). In ten out of twelve criminal offenses listed in the table, acquittal constituted the most frequently used form of judicial action. High acquittal rates were particularly evident in crimes which involved prolonged periods of detention. In rape and homicide cases, the courts released over three-quarters of the offenders.

Fines represented the second most frequently used sentence in formal cases, but the magistrates generally reduced the amount stipulated in the law. In gambling cases, for example, the lower courts rarely required the offender to pay the listed twenty-five peso fine. Although prohibited by law to lessen the fine, the magistrates ordered the gambler to pay whatever he could afford, whether six or sixteen pesos. If payment placed too great a financial burden on the family, the judges substituted a brief jail term as the punishment.¹⁵⁷ Despite the severity of the crimes prosecuted formally, the courts, taking judicial delays and the offender's indigence into consideration, greatly moderated the established penalties.

As seen through judicial sentences and court procedures, the system of criminal justice in the lower courts of Mexico City was neither as

harsh nor as arbitrary as has been assumed. Despite accelerating urban population, corn crises, expanding poverty, and insufficient funding, the court and police systems formed in the late colonial period performed admirably. And the judicial system must be given much of the credit for maintaining order in the capital during the tumultuous war years following the massive influx of provincials after 1810.

NOTES

1. Bando, Branciforte, July 8, 1796, AGN, Bandos, vol. 18, fol. 319.
2. Bando, Sala del Crimen, February 24, 1772, Ibid., vol. 8, fols. 53-53v.
3. For the crown's position on the importance of punishing all malefactors, see Recopilación de leyes, Lib. II, tit. 15, ley 66.
4. Instrucción...Revilla Gigedo, p. 29.
5. AGJ, Penal, vol. 2 (1803), exp. 29; vol. 3 (1805), exp. 11. For an account of the earlier attempts to divide Mexico City into administrative districts, see Báez Macías, "Ordenanzas," pp. 51-60.
6. See Chapters One and Five.
7. In decreasing frequency, the judges formed most causas criminales in common-law marriage, gambling, aggravated assault, and theft. See Table 104.
8. The policy of punishing criminal offenders through informal judicial structures had been in practice in Mexico City since the sixteenth century and continued into the national period. Recopilación de leyes, Lib. VII, tit. 7, ley 12; Rodríguez de San Miguel, Pandectas, II, 564-565.
9. LR: C (1794), fol. 68v; LR: AO (1795), fols. 14 and 43; LR: AO (1796), fols. 53-53v, 56, 122-122v, 131 and 134; LR: AB (1798), fol. 22v; AGJ, Penal, vol. 2 (1803), exp. 16.

10. For example, see LR: AO (1796), fols. 90v and 121v. See Chapter One, note 29 for methodology.

11. Sellin in Georg Rusche and Otto Kirchheimer, Punishment and Social Structure (New York, 1939), p. vi.

12. LR: AO (1796), fols. 73v and 132; AJT, Penal, vol. 2 (1783), exp. 55.

13. Muriel de la Torre, Los recogimientos de mugeres, pp. 39, 115 and 121-123.

14. MacLachlan, Acordada, p. 114, Table 1. During the same period, transmittal to presidios represented twenty-four per cent of all Acordada sentences. However, the importance of the presidio sentence had declined from earlier decades. From 1703 to 1782, sixty-nine per cent of all criminals prosecuted by the Acordada were sent to a military outpost.

15. AJT, Penal, vol. 3 (1787), exp. 46.

16. Ibid., exp. 48.

17. MacLachlan, Acordada, p. 114, Table 1. The Gazetas de México listed all executions in the capital between 1784 and 1787. See vol. 1, pp. 52, 111, 157, 198, 214, 254, 295, 351, 381 and 422; vol. 2, pp. 35, 146, 170, 235, 256, 292 and 321. The Acordada executed an average of 25.1 criminals annually in these years while the Sala del Crimen executed 8.6 offenders each year.

18. AJT, Penal, vol. 4 (1791), exp. 61.

19. Sedaño, Noticias de México, II, 15.

20. AGJ, Penal, vol. 1 (1802), exp. 27; vol. 2 (1803), exp. 28; vol. 3 (1805), exps. 9 and 11; AJT, Penal, vol. 12 (1809), exp. 32; LR: AO (1796), fols. 102v and 105.

21. AGJ, Penal, vol. 2 (1803), exp. 13.

22. For early royal decrees on unsanctioned modification of legal penalties, see Recopilación de leyes, Lib. VII, tit. 8, ley 15, and Rodríguez de San Miguel, Pandectas, III, 554. Also see the comment made by Fiscal de lo Criminal Robledo to Viceroy Iturrigaray on the illegality of "arbitrary penalties." AGN, Civil, vol. 2126, exp. 4, fol. 2.

23. Rodríguez de San Miguel, Pandectas, III, 360.

24. Ibid., pp. 547-548.

25. See, for example, AGJ, Penal, vol. 1 (1802), exp. 20; LR: AB (1800), fol. 17v.

26. Gibson, Aztecs, pp. 91-92.
27. AJT, Penal, vol. 5 (1791), exp. 30.
28. Ibid., vol. 4 (1791), exp. 58.
29. AGJ, Penal, vol. 3 (1805), exp. 2.
30. AJT, Penal, vol. 2 (1783), exp. 52.
31. Instrucción...Revilla Gigedo, p. 29.
32. AJT, Penal, vol. 5 (1791), exp. 4.
33. Ibid., exp. 30.
34. Ibid., exp. 60; LR: AO (1807), fols. 4-4v. The law allowed paying the gastos de justicia out of the funds of the penas de cámara, although monies had to be later reimbursed. Recopilación de leyes, Lib. VII, tit. 8, ley 26.
35. "Sobre abusos en la exacción de derechos en la cárcel de la Diputación," AJT, Penal, vol. 12 (1810), exp. 68.
36. With the exception of the Acordada, all tribunals in Mexico City charged the victim a fee to have the stolen goods returned. Instrucción...Revilla Gigedo, p. 29.
37. LR: AO (1796), fols. 112v and 141; LR: C (1796), fol. 11; bando, Audiencia, March 29, 1784, AGN, Bandos, vol. 13, fol. 58; Rodríguez de San Miguel, Pandectas, III, 360.
38. AJT, Penal, vol. 4 (1790), exp. 12; LR: C (1794), fol. 29; LR: AO (1795), fol. 40. In addition to the fine, the offender sometimes received twenty-five lashes or served one week on the public works projects. In ten per cent of all rape cases, the attacker paid the victim's family a predetermined fee. See AJT, Penal, vol. 4 (1790), exp. 29.
39. See Chapter Three, Table 39.
40. In cases of aggravated assaults, 67.2 per cent of all women paid fines while only 53.4 per cent of all male offenders received a similar sentence. In thefts, the percentages for fines as sentence were 20.4 and 19.6 respectively.
41. Recopilación de leyes, Lib. VII, tit. 8, ley 10. According to a 1560 law, Indians were not to pay judicial fines since they lived in "extreme poverty." Ibid., Lib. I, tit. 10, ley 6.
42. LR: AO (1795), fols. 11v and 32-32v; LR: AO (1796), fols. 46v, 48 and 92v; bando, Revillagigedo, October 29, 1790, AGN, Bandos, vol. 15, fol. 235.

43. LR: C (1794), fols. 35v, 37 and 42; LR: AO (1796), fols. 82 and 123v; LR: AO (1807), fol. 32.

44. AGJ, Penal, vol. 1 (1802), exp. 56; LR: C (1794), fol. 10v; LR: AO (1796), fols. 104 and 128v.

45. See, for example, LR: AO (1796), fols. 110-110v.

46. AGJ, Penal, vol. 1 (1802), exp. 47; LR: C (1794), fol. 1; LR: AO (1795), fol. 3; LR: AB (1800), fol. 2v; LR: AO (1807), fol. 22.

47. LR: C (1794), fol. 44v. Also see Recopilación de leyes, Lib. VII, tit. 6, leyes 23 and 24; tit. 7, leyes 1-3, 5, 6, 8 and 12-16; Beleña, Recopilación sumaria, I, 3rd, CXXV and CXXX; 5th, XC. Weekly visits were also required in Indian and viceregal jails.

48. AJT, Penal, vol. 6 (1794), exp. 10; LR: C (1794), fols. 84-85v. In 1794, only Indians arrested for intoxication were released. The Corregidor, in the midst of an anti-vagrancy campaign, detained all Spaniards and castas in the city jail in order to conduct character investigations.

49. The Crown issued pardons in 1779, 1780, 1784, 1796 and 1803. AGN, Bandos, vol. 11, fols. 30-30v and 375; vol. 13, fols. 145-145v; vol. 18, fol. 415; AGJ, Penal, vol. 2 (1803), exp. 28.

50. Bando, Matías de Gálvez, June 21, 1784, AGN, Bandos, vol. 13, fol. 145v; AGJ, Penal, vol. 1 (1802), exp. 18; vol. 2 (1803), exps. 29 and 36.

51. AGJ, Penal, vol. 1 (1802), exp. 28. Also see Ibid., vol. 2 (1803), exp. 27.

52. Ibid., vol. 2 (1803), exp. 13.

53. LR: C (1794), fol. 23; LR: AO (1795), fol. 17v; LR: AO (1796), fols. 58 and 65; LR: AB (1798), fol. 8v.

54. AGJ, Penal, vol. 2 (1803), exp. 12; LR: C (1794), fols. 24 and 30; LR: AO (1795), fol. 6.

55. See Gibson, Aztecs, p. 232 for seventeenth century work projects.

56. Instrucción...Croix, pp. 18 and 63-64. According to the Sala del Crimen, the purpose of selling convicts to the closed workshops was to raise money to pay the salaries of minor court officials (subalternos) who did not receive a share of the judicial fines.

57. Bando, Croix, April 7, 1769, AGN, Bandos, vol. 7, no. 33; Instrucción...Croix, p. 76.

58. Sedaño, Noticias de México, II, 99-100.
59. Royal order, May 15, 1779, AGN, Bandos, vol. 11, fols. 23v-24; bando, Mayorga, April 25, 1782, Ibid., vol. 12, fols. 47v-48; AJT, Penal, vol. 5 (1791), exp. 30; "Informe sobre pulquerías," p. 374.
60. N. Ciudad to Revillagigedo, October 21, 1790, AGN, Ayuntamiento, vol. 219, fol. 144; Sedaño, Noticias de México, I, 217-218 and II, 137.
61. AGN, Historia, vol. 58, exp. 21; aviso, March 17, 1790, AGN, Bandos, vol. 15, fol. 155.
62. See Cooper, Epidemic Disease, pp. 19-20, 40 and 62.
63. AGN, Policía, vol. 15, fols. 85-164; "Reglamento...empedrado," Revillagigedo, May 1, 1790, AGN, Bandos, vol. 15, fols. 181-182v; Instrucción...Revilla Gigedo, pp. 57-59, 65-71 and 83; Humboldt, Political Essay, II, 44.
64. AGN, Obras Públicas, vol. 1, fol. 711; Reglamento, Revillagigedo, May 1, 1790, AGN, Bandos, vol. 15, fols. 181-182v.
65. AGN, Historia, vol. 60, exp. 1, fol. 7; AGN, Policía, vol. 19, fol. 234.
66. Aviso, March 17, 1790, AGN, Bandos, vol. 15, fol. 155; Gazetas de México, vol. 4, pp. 45-46, 81-82, 176 and 283.
67. See A.L. Beier, "Vagrants and the Social Order in Elizabethan England," Past and Present, 64 (August, 1974), 3-29.
68. AGN, Historia, vol. 60, exp. 2, fol. 49v.
69. Bando, Branciforte, July 8, 1796, AGN, Bandos, vol. 18, fol. 319.
70. AJT, Penal, vol. 9 (1802), exps. 8, 31 and 36.
71. AGN, Obras Públicas, vol. 1, fols. 711 and 764; Reglamento, Revillagigedo, May 1, 1790, AGN, Bandos, vol. 15, fols. 181-182v; AJT, Penal, vol. 6 (1796), exp. 61; AGJ, Penal, vol. 1 (1802), exp. 39.
72. AGJ, Penal, vol. 1 (1802), exp. 51; Francisco Manuel Sánchez de Tagle to Iturrigaray, February 23, 1808, AGN, Policía, vol. 22, fol. 218; Conde de Peñasco to Venegas, March 24, 1812, Ibid., vol. 34, fol. 260. Also see Rodríguez de San Miguel, Pandectas, III, 584.
73. AJT, Penal, vol. 9 (1802), exp. 8.
74. Borbon to Iturrigaray, January 30, 1806, AGN, Civil, vol. 2126, exp. 1, fol. 21v.

75. The annual expense of maintaining the municipal presidio and forzados probably did not exceed 500 pesos, a small sum in comparison to the savings in labor costs on the city work projects. AGN, Policía, vol. 15, fols. 166-166v.

76. AJT, Penal, vol. 6 (1796), exp. 47.

77. LR: C (1796), fol. 4v.

78. Recopilación de leyes, Lib. VII, tit. 8, ley 10.

79. See bando, Florez, March 27, 1789, AGN, Bandos, vol. 15, fol. 6. An exception is found in a 1772 law on possession of illegal weapons. Bando, Sala del Crimen, February 24, 1772, Ibid., vol. 8, fol. 53v.

80. "Informe sobre pulquerías," p. 374; Recopilación de leyes, Lib. VII, tit. 5, ley 15; Lib. VI, tit. 1, ley 37.

81. Saporzurrieta to Iturrigaray, April 30, 1808, AGN, Civil, vol. 2126, exp. 1, fols. 105v-107; bando, Marquina, December 20, 1800, AGN, Bandos, vol. 20, fol. 275.

82. Bando with cédula, Branciforte, May 10, 1798, AGN, Bandos, vol. 19, fol. 321. According to the Sala del Crimen in 1772, the alcalde ordinarios and corregidor flogged offenders in their tribunals without the necessary prior legal judgement of the asesor. Bando, Sala del Crimen, February 24, 1772, Ibid., vol. 8, fol. 54.

83. Bando, Venegas, February 23, 1811, Ibid., vol. 31, fol. 22.

84. Iturrigaray to Sala del Crimen, May 2, 1808, AGN, Civil, vol. 2126, exp. 4, fol. 1.

85. Venegas to Junta de Policía, October 3, 1810, AGN, Historia, vol. 453, exp. 13; Saporzurrieta to Iturrigaray, April 30, 1808, AGN, Civil, vol. 2126, exp. 1, fols. 106-106v.

86. Bando, Calleja, April 14, 1814, AGN, Bandos, vol. 27, fol. 171.

87. I base this statement on a perusal of Libros de Reos for the years 1814-1816. I will include these inventories in later revisions of the present study.

88. There were eight jails in Mexico City in the late colonial period: Corte, Ciudad, Acordada, Inquisition, Ecclesiastical, La Magdalena de Recogidas, and two Indian jails. See AGN, Impresos Oficiales, vol. 51, exp. 48. The ayuntamiento building off the Plaza Mayor housed the municipal jail.

89. Alzate to Revillagigedo, March 10, 1791, AGN, Historia, vol. 74, exp. 1, fols. 9-9v.

90. AJT, Penal, vol. 12 (1810), exp. 68; AGJ, Penal, vol. 2 (1803), exp. 29. For an itemization of court fees, see the aranceles published in AGN, Bandos, vol. 3, fols. 232-236v; vol. 13, fol. 58.

91. AGN, Bandos, vol. 3, fol. 236v. Indians were legally exempt from all prison fees. Recopilación de leyes, Lib. VII, tit. 6, ley 27. The law was rarely enforced.

92. AJT, Penal, vol. 12 (1810), exp. 68; AGN, Bandos, vol. 3, fol. 236.

93. AJT, Penal, vol. 12 (1810), exp. 68; vol. 2 (1783), exp. 56; Instrucción...Revilla Gigedo, p. 30; Gazetas de México, November 29, 1791, pp. 439-440; Beleña, Recopilación sumaria, I, 4th, I. All prisoners unable to pay court and jail fees were to be released immediately. Recopilación de leyes, Lib. tit. 6, leyes 16-18.

94. AJT, Penal, vol. 12 (1810), exp. 68.

95. In the 1820's, jail authorities permitted any artisan to exercise his trade while in jail and to sell his products on the outside through an agent (proveedor). The proceeds from the sale was divided between the prisoner and the jail authorities who purchased the primary goods for the artisan. Prison officials also supplied tools and grouped together persons with similar trades to facilitate work. Women were encouraged to sew, knit and spin cotton. Rodríguez de San Miguel, Pandectas, III, 583-584.

96. AJT, Penal, vol. 7 (1797), exp. 11; vol. 8 (1800), exp. 5; AGJ, Penal, vol. 1 (1802), exps. 30 and 36.

97. AJT, Penal, vol. 12 (1810), exp. 68; dictamen, Junta de Gobierno del Consulado, May 30, 1807, AGN, Civil, vol. 2126, exp. 2, fol. 19; AJT, Penal, vol. 8 (1801), exp. 68; vol. 9 (1803), exp. 62; LR: AO (1796), fol. 109v; LR: AB (1800), fol. 16v.

98. AJT, Penal, vol. 12 (1810), exp. 68.

99. LR: AO (1795), fols. 4-4v and 26; LR: AO (1796), fols. 59, 75 and 144v; LR: AB (1798), fol. 33v; LR: AO (1807), fol. 29.

100. In the sixteenth century, abandoned young girls were put "en casas virtuosas, donde sirvan, y aprendan buenas costumbres." Recopilación de leyes, Lib. VII, tit. 4, ley 4.

101. LR: AO (1795), fol. 19v; LR: AO (1796), fols. 67 and 73v; LR: AB (1800), fols. 9v-10; LR: AO (1807), fols. 8v and 51v.

102. According to a 1618 law, all Indian women sent to serve in a casa de honra were to be paid for their services. Recopilación de leyes, Lib. VII, tit. 8, ley 8. I have been unable to determine whether in the late colonial period the family renumerated the female offenders.

103. AGJ, Penal, vol. 2 (1803), exp. 16; LR: C (1794), fol. 57v; LR: AO (1795), fols. 4v-5v.

104. Muriel de la Torre, Los recogimientos de mugeres, pp. 146-148. Alcaldes de barrio illegally placed women in bodegones and atolerías as a means to extort bribes of two or three pesos. José Mesía to Branciforte, July 22, 1797, AGN, Historia, vol. 44, exp. 18, fols. 463-464.

105. LR: AO (1795), fols. 10 and 14v; LR: AO (1796), fols. 52, 94v and 144v; LR: AB (1798), fol. 8; LR: AO (1807), fol. 5.

106. See, for example, LR: C (1794), fol. 39; LR: AO (1796), fol. 135v.

107. Bando, Croix, June 1, 1767, AGN, Bandos, vol. 6, no. 68; bando, Mayorga, October 4, 1781, Ibid., vol. 11, fol. 387; bando, Iturrigaray, July 8, 1805, Ibid., vol. 22, fol. 40. In 1766, Croix also abolished the practice of selling reos de collera to obrages and other closed trades. Beleña, Recopilación sumaria, I, 5th, DXXXIX.

108. Beleña, Recopilación sumaria, I, 4th, nota IV and XXIV.

109. The Viceroy ordered that no tribunal sentence any criminal to the panaderías. He also abolished debt labor in the bakeries. Gazetas de México, December 11, 1805, pp. 445-448.

110. LR: AO (1796), fol. 75v.

111. Ibid., fols. 101, 108 and 137.

112. LR: AO (1795), fol. 30; LR: AO (1796), fol. 61; LR: AB (1800), fols. 7-7v; LR: AO (1807), fols. 23v and 25.

113. AJT, Penal, vol. 6 (1796), exp. 58. Also see AJT, Penal, vol. 4 (1790), exp. 4; LR: C (1794), fols. 11 and 74v.

114. AGJ, Penal, vol. 2 (1803), exp. 29. Also see LR: C (1794), fols. 20v and 28v.

115. AJT, Penal, vol. 8 (1800), exp. 28.

116. Alzate to Branciforte, July 8, 1797, AGN, Historia, vol. 44, exp. 18, fols. 452-452v; Mesía to Branciforte, July 22, 1797, Ibid., fols. 463v-464.

117. Mesía to Branciforte, July 22, 1797, Ibid., fols. 464-465.

118. Ordenanzas, Bucareli, July 12, 1777, AGN, Bandos, vol. 10, fols. 46-47v; Araujo to Iturrigaray, April 3, 1804, AGN, Historia, vol. 441, fols 7-11v; AGJ, Penal, vol. 5 (1791), exp. 20.

119. Ordenanzas, Bucareli, July 12, 1777, AGN, Bandos, vol. 10, fols. 46-47; Castera to Revillagigedo, July 31, 1792, AGN, Policía, vol. 30, fols. 10-11; Bruno Francisco Larrañaga to Iturrigaray, October 1, 1806, AGN, Historia, vol. 49, exp. 9, fols. 84-84v; AJT, Penal, vol. 5 (1791), exp. 20.

120. Audiencia to Sala del Crimen, August 1, 1810, AGN, Historia, vol. 441, fols. 131-131v; AJT, Penal, vol. 2 (1784), exp. 68; LR: C (1794), fol. 33.

121. Araujo to Iturrigaray, April 3, 1804, AGN, Historia, vol. 441, fols. 7-11v.

122. Circular, Branciforte, February 6, 1798, AGN, Bandos, vol. 19, fol. 162; Rodríguez de San Miguel, Pandectas, III, 603.

123. Araujo to Iturrigaray, April 3, 1804, AGN, Historia, vol. 441, fols. 7v-11v; Gazetas de México, February 3, 1795, p. 33.

124. LR: C (1794), fol. 28v; LR: AO (1795), fol. 24; LR: AO (1796), fol. 108v; LR: AB (1798), fol. 22v; LR: AO (1807), fol. 9v.

125. Sala Mexicano, I, 350-352.

126. LR: AO (1798), fol. 32.

127. LR: C (1794), fols. 21v and 31v; LR: AO (1795), fols. 8v and 14v; LR: AO (1796), fols. 47, 55v, 71-73v and 122-131; LR: AB (1798), fols. 18v-19; LR: AB (1800), fols. 9-10v and 17v.

128. LR: C (1794), fol. 33; LR: AO (1796), fols. 73v and 142.

129. AJT, Penal, vol. 2 (1783), exp. 55; AGJ, Penal, vol. 3 (1805), exp. 8; LR: AO (1795), fols. 6v-7 and 43; LR: AO (1796), fols. 47, 72v and 145v.

130. Cosme de Mier to Conde de Gálvez, September 17, 1785, AGN, Ayuntamiento, vol. 194, exp. 28. Also see Instrucción...Revilla Gigedo, p. 34; Rodríguez de San Miguel, Pandectas, II, 381.

131. Bando, Branciforte, July 8, 1796, AGN, Bandos, vol. 18, fol. 319; testimony of Vicente López, April 28, 1784, AGN, Ayuntamiento, vol. 194, exp. 28.

132. AJT, Penal, vol. 9 (1804), exp. 75; LR: AO (1796), fol. 107.

133. The 1798 Corregidor arrest inventory specified assignment to the street and road projects.

134. "Informe sobre pulquerías," p. 228.

135. Rodríguez de San Miguel, Pandectas, III, 354-355.

136. AJT, Penal, vol. 4 (1791), exp. 61; LR: C (1794), fol. 52v.
137. Discurso, Olloquif, June 6, 1807, AGN, Civil, vol. 2126, exp. 2, fol. 6.
138. LR: AO (1795), fol. 14; LR: AO (1796), fols. 110v-111. For other examples of offenders pleading inebriation as an excuse, see AGJ, Penal, vol. 2 (1803), exp. 28; LR: AO (1795), fols. 19v-20; LR: AO (1796), fols. 83, 83v and 112; LR: AB (1800), fol. 17.
139. Bando, Bucareli, February 14, 1773, AGN, Bandos, vol. 8, fols. 49-51.
140. LR: AO (1796), fols. 57, 65v-66, 79, 132 and 139v.
141. LR: AO (1795), fols. 4-4v and 30; LR: AO (1796), fol. 54.
142. LR: C (1794), fols. 25v, 28v, 30, 35 and 84-85v; LR: AO (1795), fol. 18v; LR: AO (1807), fols. 3-3v.
143. AJT, Penal, vol. 4 (1790), exp. 39.
144. See, for example, LR: C (1796), fol. 2; LR: AO (1796), fol. 132.
145. Bando, Sala del Crimen, February 24, 1772, AGN, Bandos, vol. 8, fol. 53v; Beleña, Recopilación sumaria, I, 5th, XCII.
146. Beleña, Recopilación sumaria, I, 4th, VII.
147. LR: AO (1796), fol. 131v; LR: AB (1800), fol. 1.
148. LR: AO (1795), fols. 3v, 8v-9 and 44v; LR: AO (1796), fol. 73v. At times, the court took up to two months to execute a sentence. See LR: AO (1796), fols. 98v and 106.
149. LR: AO (1795), fol. 6v; LR: AO (1796), fols. 111-111v; LR: AB (1798), fol. 3; LR: AB (1800), fol. 15v.
150. LR: C (1794), fol. 87; LR: AO (1795), fols. 12v-13; LR: AO (1798), fol. 128v.
151. AJT, Penal, vol. 3 (1785), exp. 34.
152. See Chapter Four.
153. AGJ, Penal, vol. 1 (1802), exp. 48.
154. Ibid., exp. 27; vol. 2 (1803), exp. 9; vol. 3 (1805), exp. 9.
155. Ibid., vol. 1 (1802), exp. 57. The case involved extraction of the criminal from ecclesiastical asylum, arrest of eight accomplices, claims of fuero militar, and review of sentence by the Sala del Crimen.

156. Ibid., exp. 36. Also see AJT, Penal, vol. 4 (1790), exp. 19; AGJ, Penal, vol. 2 (1803), exp. 29; vol. 3 (1805), exp. 9.

157. "La arbitrariedad con que se suelen imponer y distribuir por algunos Tribunales y Juzgados las penas pecunarias," AJT, Penal, vol. 4 (1791), exp. 60; bando, Revillagigedo, October 29, 1790, AGN, Bandos, vol. 15, fol. 235; AJT, Penal, vol. 3 (1783), exp. 52; vol. 4 (1790), exp. 28; vol. 8 (1800), exps. 5 and 28; AGJ, Penal, vol. 1 (1802), exp. 63; vol. 3 (1805), exp. 2; Beleña, Recopilación sumaria, I, 5th, CCGCVI.

TABLE 103

COURT SENTENCES BY CRIMES: INFORMAL CASES (PER CENT)

Sentence	Homicide	Ag. Assault	Sim. Assault	Rape	Theft	Gambl.
Acquittal	--	7.4	51.4	20.0	35.2	23.9
Probation	--	0.5	3.4	--	2.7	2.8
Released-military	--	0.5	0.7	--	1--	--
Flogging	--	3.7	17.8	5.0	10.8	--
Public works	--	5.3	15.8	5.0	11.5	4.5
Jail	--	1.6	6.8	10.0	3.2	4.0
Jail/solitary	--	--	--	--	--	--
Deposito	--	0.5	--	--	0.5	--
Casa de honra	--	--	0.7	5.0	1.2	--
Learn trade	--	0.5	--	5.0	1.0	--
Obrage	--	--	--	--	0.5	--
Panaderia	--	--	--	--	--	--
Hospicio de Pobres	--	--	--	--	--	--
Fine	--	57.7	1.4	10.0	19.8	31.8
Marriage	--	--	--	--	--	--
Exile	--	--	0.7	--	1.5	--
Formal case	100.0	21.2	0.7	40.0	9.5	33.0
Other	--	1.1	0.6	--	2.6	--
Total cases	6,618					

TABLE 103 - extended

Debt	Intox.	Tavern	Incont.	Sex	Family	Disorderly	Curfew	Vagrancy
4.6	5.6	31.2	21.1	36.3	59.2	46.0	42.9	19.3
--	0.6	1.1	11.6	20.9	13.2	6.4	25.9	14.0
0.6	0.5	0.2	0.7	0.8	--	0.5	--	1.8
--	3.9	0.5	3.2	11.1	3.9	7.5	4.8	--
--	60.3	0.9	2.3	5.9	5.3	2.7	0.7	1.8
--	23.1	2.2	3.6	6.7	3.9	8.0	1.4	1.8
--	4.2	--	--	--	--	--	--	--
--	--	0.2	2.3	2.1	--	--	0.7	1.8
--	0.2	0.5	6.3	6.2	2.0	--	6.1	1.8
--	--	--	--	--	--	2.7	6.8	35.1
--	--	--	--	0.3	--	--	0.7	5.3
--	--	--	--	--	1.3	0.5	--	3.5
--	0.3	--	0.5	--	--	--	4.8	1.8
91.4	--	62.2	1.4	0.3	--	14.4	0.7	--
--	0.1	--	27.9	1.5	--	--	--	--
--	0.2	--	3.9	1.8	2.6	--	3.4	--
--	0.3	0.9	14.3	4.4	7.9	1.1	--	12.3
3.4	0.7	0.1	0.9	1.7	0.7	7.5	1.1	--

TABLE 104

CRIMES BY COURT SENTENCES: INFIRMAL CASES (PER CENT)

[illegible]

TABLE 104 - extended

Casa	Learn Trade	Cbrage	Panaderia	Hospicio	Pine	Marriage	Exile	Formal Case
--	--	--	--	--	--	--	--	7.4
--	2.3	--	--	--	13.4	--	--	12.4
1.1	--	--	--	--	0.2	--	2.0	0.3
1.1	2.3	--	--	--	0.2	--	--	2.5
5.4	9.1	25.0	--	--	9.9	--	11.8	12.1
--	--	--	--	--	6.9	--	--	18.0
--	--	--	--	--	19.6	--	--	--
5.4	--	--	--	25.0	0.1	1.5	9.8	2.5
3.3	--	--	--	--	41.8	--	--	1.5
30.4	--	--	--	7.1	0.7	93.9	33.3	19.5
26.1	--	12.5	--	--	0.1	4.6	13.7	5.3
3.3	--	--	40.0	--	--	--	7.3	3.7
--	11.4	--	20.0	--	3.3	--	9.8	0.6
9.8	22.7	12.5	--	25.0	0.1	--	9.8	--
1.1	45.5	37.5	40.0	3.6	--	--	2.2	2.2
13.0	6.7	12.5	--	39.3	3.7	--	2.0	12.0

TABLE 105

COURT SENTENCES, 1798: INFORMAL CASES

Sentence	Per Cent
Fine	26.9
Acquittal	20.2
Public works	16.6
Jail	6.9
Probation	4.3
Flogging	3.8
Marriage	3.6
Casa de honra	1.5
Jail/solitary	1.1
Learn trade	0.7
Hospicio de Pobres	0.7
Exile	0.5
Released to military	0.5
Deposito	0.2
Panaderia	0.2
Obrage	0.1
Formal case	8.5
Other	1.7
Total cases	4,352

TABLE 106
CAPITAL PUNISHMENT: EXECUTIONS
BY THE ACORDADA, 1703-1811

Years	Executions as Percentage of Total Sentences
1703-1756	11.4
1756-1781	2.0
1781-1811	0.6

Source: Adapted from Colin M. MacLachlan, Criminal Justice in Eighteenth Century Mexico: A Study of the Tribunal of the Acordada (Berkeley, 1974), p. 114.

TABLE 107
COURT SENTENCES BY SEX OF OFFENDER
(PER CENT)

Sentence	Male	Female
Acquittal	19.8	22.8
Probation	2.2	10.1
Released-military	0.5	0.2
Flogging	2.2	10.1
Public works	33.6	0.0
Jail	3.8	29.8
Jail/solitary	2.1	0.0
Deposito	0.0	1.6
Casa de honra	0.0	5.4
Learn trade	0.9	0.0
Obrage	0.1	0.0
Panaderia	0.1	0.0
Hospicio	0.4	0.4
Fine	13.4	8.3
Marriage	1.4	3.5
Whip	0.4	1.8
Formal case	5.9	4.5
Other	13.2	1.5
Total cases	6,778	

TABLE 108
COURT SENTENCES BY AGE OF MALE OFFENDER
(PER CENT)

Sentence	Under 20	20-29	30-39	40-49	Over 49
Acquittal	23.3	21.6	20.2	18.4	15.0
Probation	9.2	2.2	0.7	1.1	1.4
Released-wlty.	0.7	0.1	0.7	0.9	0.5
Flogging	5.4	2.5	1.5	1.2	1.5
Public works	14.3	35.6	42.6	44.7	21.0
Jail	1.8	3.8	4.4	4.9	3.6
Jail/solitary	0.2	1.4	2.8	3.9	3.9
Learn trade	9.0	0.0	0.0	0.0	0.0
Obraje	1.3	0.1	0.0	0.0	0.0
Paraderia	1.1	0.1	0.0	0.0	0.0
Hospicio	0.2	0.3	0.2	0.5	0.8
Fine	12.8	15.2	14.4	14.1	8.4
Marriage	2.9	2.2	0.6	0.5	0.5
Exile	0.9	0.5	0.3	0.4	0.1
Formal case	8.5	6.9	5.3	3.5	4.6
Other	7.9	7.5	6.3	5.9	38.3
Total cases	4,999				

TABLE 109
COURT SENTENCES BY AGE OF FEMALE OFFENDER
(PER CENT)

Sentence	Under 20	20-29	30-39	40-49	Over 49
Acquittal	14.6	21.2	24.7	23.7	34.9
Probation	27.9	10.6	5.5	2.2	5.4
Flogging	8.2	11.4	10.0	9.1	7.2
Jail	6.8	27.1	38.6	50.4	27.1
Deposito	2.3	2.2	0.9	0.0	1.2
Casa de honra	15.1	5.6	3.0	2.2	1.8
Hospicio	0.5	0.4	0.7	0.0	0.6
Fine	5.5	10.8	5.9	7.0	8.4
Marriage	8.2	3.4	2.7	1.1	3.0
Exile	2.3	1.9	1.8	1.6	0.6
Formal case	5.5	4.4	4.3	2.7	6.0
Other	3.1	1.0	1.9	0.0	3.8
Total cases	1,779				

TABLE 110
COURT SENTENCES BY MARITAL STATUS OF MALE OFFENDER
(PER CENT)

Sentence	Single	Married	Widowed
Acquittal	19.3	22.4	13.0
Probation	5.1	0.7	1.8
Released-milty.	0.6	0.3	0.6
Flogging	3.1	2.1	0.6
Public works	30.5	38.8	46.1
Jail	4.7	4.0	4.3
Jail/solitary	2.1	2.2	5.1
Learn trade	3.0	0.0	0.0
Obriage	0.5	0.0	0.0
Panaderia	0.4	0.0	0.0
Hospicio	0.7	0.2	0.6
Fine	11.4	16.2	14.5
Marriage	4.3	0.0	1.5
Exile	0.8	0.2	0.6
Formal caso	7.3	5.6	3.6
Other	6.2	7.3	7.2
Total cases	4,434		

TABLE 111
COURT SENTENCES BY MARITAL STATUS OF FEMALE OFFENDER
(PER CENT)

Sentence	Single	Married	Widowed
Acquittal	15.1	30.4	19.0
Probation	18.6	6.7	5.2
Flogging	8.3	10.5	12.4
Jail	18.5	31.1	42.2
Deposito	3.7	0.3	1.0
Casa de honra	11.5	0.7	4.8
Hospicio	0.7	0.4	0.2
Fine	5.9	11.8	5.8
Marriage	8.9	0.0	2.6
Stile	2.7	1.3	1.6
Formal case	4.3	4.9	4.2
Other	1.8	1.9	1.0
Total cases 1,732			

TABLE 112
COURT SENTENCES BY ORIGIN OF MALE OFFENDER
(PER CENT)

Sentence	Mexico City	Provinces	Other
Acquittal	20.5	18.8	23.1
Probation	2.3	2.1	0.0
Released-w/ty.	0.5	0.3	0.0
Flogging	2.5	1.9	0.0
Public works	33.5	35.3	0.0
Jail	4.0	3.5	11.5
Jail/solitary	2.4	1.6	9.6
Learn trade	0.9	0.9	0.0
Orage	0.2	0.1	0.0
Panaderia	0.1	0.1	0.0
Hospicio	0.4	0.5	0.0
Fine	13.5	12.8	25.0
Marriage	1.4	1.3	0.0
Exile	0.0	1.0	0.0
Formal case	5.0	6.5	23.1
Other	12.8	13.3	7.7
Total casos 4,937			

TABLE 113
COURT SENTENCES BY ORIGIN
OF FEMALE OFFENDER
(PER CENT)

Sentence	Mexico City	Provinces
Acquittal	23.9	21.2
Probation	9.2	11.6
Flogging	10.9	9.3
Jail	31.7	28.1
Deposito	1.5	1.4
Casa de honra	4.2	6.9
Hospicio	0.8	0.0
Fine	9.1	6.3
Marriage	3.2	3.4
Exile	0.0	4.4
Formal case	3.6	5.9
Other	1.9	1.5
Total cases 1,746		

TABLE 114

COURT SENTENCES BY OCCUPATION OF OFFENDER
(PER CENT)

Sentence	Low Skilled	Artisan	Merchant	Other
Acquittal	19.4	22.0	25.6	20.3
Probation	2.0	2.1	0.0	8.1
Released-milty.	0.1	0.1	0.0	17.9
Flogging	2.3	2.6	0.0	0.0
Public works	39.2	37.3	9.0	4.9
Jail	4.1	4.0	10.3	7.3
Jail/solitary	1.9	2.2	10.3	6.5
Learn trade	1.4	0.6	0.0	0.0
Orage	0.3	0.1	0.0	0.0
Paraderia	0.2	0.1	0.0	0.0
Hospicio	0.6	0.1	0.0	0.8
Fine	13.1	14.8	30.8	18.7
Marriage	1.5	1.5	1.3	2.4
Exile	0.7	0.2	1.3	0.0
Formal case	6.7	5.1	10.3	9.8
Other	6.5	7.2	1.1	3.3
Total cases	4,395			

TABLE 115
COURT SENTENCES BY RACE OF MALE OFFENDER
(PER CENT)

Sentence	Spanish	Indian	Mestizo	Mulatto
Acquittal	25.9	16.2	18.5	17.3
Probation	3.3	1.3	2.0	2.8
Released-milty.	0.8	0.1	0.4	1.6
Flogging	1.3	3.2	1.6	1.2
Public works	17.2	43.8	36.5	39.4
Jail	6.0	2.5	3.6	3.2
Jail/solitary	6.3	0.2	0.4	0.4
Learn trade	0.9	0.5	1.6	1.2
Obrage	0.2	0.1	0.0	0.8
Panaderia	0.1	0.0	0.4	0.0
Hospicio	0.6	0.2	0.5	0.4
Fine	18.9	9.8	12.9	12.0
Marriage	1.8	1.1	1.2	1.6
Exile	0.1	0.6	0.6	0.0
Formal case	7.9	4.7	4.3	7.2
Other	8.7	15.7	15.3	10.9
Total cases	4,945			

TABLE 116
COURT SENTENCES BY RACE OF FEMALE OFFENDER
(PER CENT)

Sentence	Spanish	Indian	Mestizo	Mulatto
Acquittal	25.3	18.6	26.6	27.4
Probation	13.2	7.8	10.2	12.3
Flogging	4.0	13.4	8.5	20.8
Jail	21.8	39.4	24.3	20.7
Deposito	1.8	0.8	2.0	1.9
Casa de honra	5.8	4.3	7.1	6.6
Hospicio	0.8	0.3	0.6	0.0
Fine	10.8	6.3	9.0	4.7
Marriage	5.2	2.0	5.1	0.0
Asilo	1.6	2.0	2.3	0.0
Formal case	6.6	4.1	3.1	2.8
Other	3.1	1.0	1.0	2.8
Total cases 1,749				

TABLE 117

CORPORAL PUNISHMENT, 1795-1807: FLOGGINGS
AS PERCENTAGE OF TOTAL SENTENCES

Year	Per Cent
1795-1796	2.3
1798	4.5
1800	0.6
1807	0.2
Total cases 5,929	

TABLE 118

COURT SENTENCES FOR INTOXICATION:
RACE OF MALE OFFENDER
(PER CENT)

Sentence	Spanish	Indian	Mestizo	Mulatto
Acquittal	8.0	4.6	6.0	3.3
Probation	1.5	0.0	0.0	1.1
Released-wlty.	1.1	0.1	0.3	4.3
Flogging	0.7	0.3	0.3	0.0
Public works	53.3	90.3	84.4	87.0
Jail	12.8	3.0	5.1	4.3
Jail/solitary	20.9	0.4	1.0	0.0
Hospicio	0.4	0.1	0.6	0.0
Fine	0.2	0.0	0.0	0.0
Exile	0.0	0.0	0.6	0.0

TABLE 118 - continued

Sentence	Spanish	Indian	Mestizo	Mulatto
Formal case	0.2	0.0	0.3	0.0
Other	0.9	0.8	1.4	0.0
Total cases	1,860			

TABLE 119

ACQUITTAL RATES FOR INTOXICATION:
OCCUPATION OF OFFENDER BY RACE
(PER CENT)

Occupation	Spanish	Indian	Mestizo	Mulatto
Low skilled	11.6	4.5	8.1	4.0
Artisan	8.4	4.4	4.1	5.4
Total cases	102			

TABLE 120

PUBLIC WORKS SENTENCES FOR INTOXICATION:
OCCUPATION OF OFFENDER BY RACE
(PER CENT)

Occupation	Spanish	Indian	Mestizo	Mulatto
Low skilled	60.3	89.5	80.2	92.0
Artisan	55.7	91.6	87.3	91.9
Total cases	1,418			

TABLE 125

TIME BETWEEN ARREST AND COURT SENTENCE: FORMAL CASES
(PER CENT)

Time	Homicide	Ag. Assault	Rape	Theft	Gambl.	Incont.	Mistreat.	Prost.	Total	Cumulative
1 week	--	12	--	10	97	--	--	--	19	19
2 weeks	--	4	--	5	--	13	--	--	5	24
3 weeks	--	4	--	9	--	3	20	--	4	29
1 month	--	4	--	5	--	9	60	--	7	36
1.5 months	--	24	--	5	--	9	--	50	10	46
2 months	14	16	--	--	--	9	--	50	8	54
2.5 months	--	12	25	5	--	9	--	--	8	62
3 months	14	4	--	--	--	3	--	--	2	64
3.5 months	14	4	--	10	7	9	--	--	7	71
4 months	--	12	25	19	--	9	--	--	9	80
4.5 months	--	4	--	--	--	12	--	--	4	84
5 months	--	--	--	--	--	6	--	--	1	85
Over 5 months	58	--	50	32	--	9	20	--	15	100
Total cases	120									

Source: AJT, Penal, vols. 2-12 and AGJ, Penal, vols. 1-5

TABLE 126

COURT SENTENCES: FORMAL CASES
(PER CENT)

Sentence	Homicide	Ag. Assault	Simple Assault	Rape	Theft	Gambl.	Weapon	Incont.	Desert.	Mistreat.	Prost.	Vagr.	Total
							Ill.						
Acquittal	83.3	--	66.7	75.0	50.0	15.0	66.7	48.3	100.0	80.0	100.0	100.0	38.7
Fine	--	88.9	--	25.0	5.6	65.0	--	13.8	--	--	--	--	36.1
Public works	--	--	33.3	--	44.4	--	--	6.9	--	20.0	--	--	10.1
Jail	--	3.7	--	--	--	20.0	--	3.4	--	--	--	--	5.0
Casa de honra	--	--	--	--	--	--	--	13.8	--	--	--	--	3.4
Released-milty.	16.7	3.7	--	--	--	--	--	3.4	--	--	--	--	2.5
Marriage	--	--	--	--	--	--	--	6.9	--	--	--	--	1.7
Exile	--	3.7	--	--	--	--	--	3.4	--	--	--	--	1.7
Flogging	--	--	--	--	--	--	33.3	--	--	--	--	--	0.8
Total cases	119												

Source: AJT, Penal, vols. 2-12 and AGJ, Penal, vols. 1-5.

CONCLUSION

Poverty and population growth are the key factors in understanding crime among the urban poor and the municipal and viceregal governments' efforts to prevent the breakdown of public order in Mexico City in the late colonial period. Urban poverty was maintained and expanded by urban growth only because of accelerating rates of migration from the provinces. A combination of urban pull and rural push created a serious surplus of male and female labor and subsequent low wages which did not keep pace with rising corn prices. The unequal distribution of the wealth generated in the late eighteenth century economic recovery meant greater impoverishment for the urban masses.

Institutional changes in late colonial Mexico City can be best understood in the context of urbanization and poverty. The establishment of the Hospicio de Pobres, street lighting and the guardafaroleros, the restructuring of the criminal judicial system along with the creation of the *alcaldes de barrio*, and the reform of the *pulquerías* and *vinaterías* represent responses to supervise and control the growing number of poor who inhabited the capital. Fear of lower class disorder, however, did not result in arbitrary or harsh judicial treatment of offenders prosecuted in the city's lower tribunals. Penal sanctions were moderate and court procedures were equitable. Reliance on capital and corporal punishment decreased, thorough investigations into criminal charges were routinely conducted, and the courts tried the offenders with all dispatch.

Moreover, the courts endeavored to reunite broken families and generally used formal methods of punishment in family offenses only in cases involving recidivists. Judicial discretion tempered harsh legal penalties. As a result of their daily contact with and familiarity of the poor, the magistrates often tailored the sentence to fit the circumstances of the crime and the social and economic realities of lower class life.

The types and incidence of crime can also be best understood in the context of urban poverty. Highly prevalent crimes such as intoxication, attendance at illegal taverns, petty theft, gambling, common-law marriage, and intrafamily violence largely represented responses to tense life situations caused by chronic insufficiency of funds. Poverty affected all sectors of the urban poor, and consequently crime was not the monopoly of unskilled Indians, mestizos, and mulattoes. Artisans comprised a majority of the criminal offenders and Spaniards accounted for over forty per cent of all arrests.

The racial and cultural divisions which had divided the urban lower classes in previous centuries and which had persisted in the minds of the social elite were becoming increasingly blurred by the late colonial period. Regardless of race or occupation, the urban poor possessed attitudes and values so different from those of the dominant classes that the poor formed a separate culture in which criminal and deviant behavior was often consistent with accepted patterns of conduct. The lower classes were aware of the legal norms, but since they had not been adequately socialized into the dominant culture, they could not fully understand why drunkenness, carousing in drinking houses, petty theft, interpersonal violence, and other forms of accepted conduct were illegal.

This ignorance of the elite value system posed a threat to the public order. However, crime in Mexico City served a positive function by integrating to some degree the heterogeneous poor. Far from being a state of social disorganization, the lower class subculture was an organized way of living. It represented a cultural system in its own right, with its own sets of practices, traditions, and standards of conduct which the majority of the poor shared. Through this sharing, the subculture bound the poor together and acted as a cushion against the economic uncertainty of their lives. Lower class subculture in late colonial Mexico City was a unifying force in an unstable environment.

APPENDIX
CLASSIFICATION OF OCCUPATIONS

Unskilled

sin oficio	guarda	gañán	enfardelador
sirviente	gufa	peon del campo	arriero
lacayo	velador	tequesquitero	carretero
page	portero	vaquero	literero
cochero	bedel	portrерero	canoador
cocinero	pregonero	mulero	remero
jardinero	guardaropa	gallinero	mandadero
hortelano	acomodador	jatero	peón
lavandero	temascalero	pescador	empedrador
fregandero	jicarero	fustero	cañero
barrendero	trinitario	minero	trapichero
carretonero	sacristán	baratillero	acólito
guardafarolero	labrador	aguador	rayador de villar
ministro de vara	milpero	cargador	satonero
comisario	chinampero	traginero	cosechero

Semiskilled

panero	petatero	costurero	pedrero
soletero	cuerdero	botero	limador
pambasero	entorchador	encuadernador	azoguero
hornero	blondero	cedazero	carbonero
repostero	mantero	peinero	colchonero
cernidor-harina	costalero	aserrador	mufiquero
carnolicero	arpillerador	baulero	pelotero
fabricante-fideo	ayatero	jaulero	sellador
quesero	cañamero	guitarrero	almidonero
salinero	yndianillero	arpiador	oblero
mesclador-pulque	botonero	adovero	cernidor
chinguiritero	lantejuero	ladrillero	molinero-monedero
pulquero	vatero	moldero	cigarrero
molinero	calsonero	cantero	purero

Artisan

cardador	sombredero	dorador	hojalatero
hilador	abridor-cuellos	impresor	latonero
cordonero	tallador	carnicero	cobrero
tejedor	escultor	tocinero	calderetero
algodonero	carrosero	panadero	herrero
pañero	taburetero	bizcochero	fueller
sayalero	cubero	confitero	herrador
pasamanero	tornero	dulcero	forjador
mediero	carpintero	barbero	armero
tintorero	pintor	peluquero	espadero
curtidor	albañil	velero	cohetero
zurrador	locero	escultor-cera	arcabusero
badanero	alfarero	cerero	estañero
gamucero	vidriero	fundidor	cabellero
zapatero	relojero	tirador de oro	barillero
sastre	estañador	alanbrero	escarhador
bordador	platero	batinjoja	

Merchant

comerciante
tratante
tendero
tlapalero
estanquero
vinatero
corredor

Other

médico	pluma	subdelegado	escribiente
cirujano	abogado	dependiente	amanuense
boticario	fiscal	cajero	pasante
maestro-escuela	gobernador	quartero	mayordomo
estudiante	alcalde	colector	soldado

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BIOGRAPHICAL SKETCH

Michael Charles Scardaville was born on February 5, 1948, in Newark, New Jersey. After graduating from Rutgers University in 1970 with a B.A. in Spanish, he commenced graduate studies in Latin American History at the University of Florida. In 1971-72, he became Coordinator for the Public Service Careers Project, a U.S. Department of Labor-State of Florida Manpower Training Program. He received his M.A. in August 1972 and immediately entered the doctoral program. He has taught three years in the Departments of Social Sciences and Behavioral Sciences.

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I certify that I have read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and is fully adequate, in scope and quality, as a dissertation for the degree of Doctor of Philosophy.

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